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CALDERWOOD'S HISTORY

OF

THE KIRK OF SCOTLAND.

VOLUME SIXTH.

THE WODROW SOCIETY,

INSTITUTED MAY, 1841,

FOR THE PUBLICATION OF THE WORKS OF THE FATHERS AND EARLY WRITERS OF THE REFORMED CHURCH OF SCOTLAND.

THE

HISTORY

OF THE

KIRK OF SCOTLAND.

BY

MR DAVID CALDERWOOD,

SOME TIME MINISTER OF CRAILING.

EDITED FROM THE ORIGINAL MANUSCRIPT PRESERVED IN THE BRITISH MUSEUM.

111576

BY THE

REV. THOMAS THOMSON.

VOLUME SIXTH.

EDINBURGH:

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CALDERWOOD'S HISTORIE

OF

THE KIRK OF SCOTLAND.

M.DC.

THE * * * * GENERALL ASSEMBLIE, HOLDIN AT MONTROSE.

THE ordinarie Generall Assemblie was appointed at the last Assemblie, to be holdin at Aberdeen the first Tuisday of Julie, 1599. But by the king's proclamatiouns, both the tyme and place was changed, and now appointed to be holdin at Montrose, in Marche, partlie becaus maters were not yitt weill dressed, but cheefelie to the intent that the king might take the libertie of conveenning from the kirk, which since the Reformation it had, keeping Assembleis twise in the yeere, and oftener *pro re nata;* and to have it absolutelie in his owne power, that as the free preaching of the Word was restrained, and summar excommunicatioun suspended at Perth and Dundie, and the church stripped naiked of her cheefe armour, so now, she might be altogether taikin and led captive, by procuring, that ather no Generall Assemblie sould be at all, or suche onlie as sould be dressed to prosecute the purpose in hand, and so to undoe the kirk by her self, that is, by suche conventiouns, as sould beare the name of Generall Assembleis.

Diverse meetings were keeped at diverse tymes and places, with suche of the ministrie as were nominated by the synods; as at Falkland, in August; at St. Andrews, at Halyrudhous, at Bruntiland. But the king and the commissioners not finding the successe they looked for, the Assemblie was prorogued to be keeped at Montrose, and was holdin there upon the 28th of Marche.

Exhortation being made by Mr Peter Blekburne, moderator of the last Assemblie, Mrs Robert Bruce, Patrik Galloway, Robert Wilkie, Patrik Schairp, James Melvill, and Patrik Simsone, being putt on the leits, Mr Robert Wilkie, by pluralitie of votes, was chosin moderator.

Mr Peter Blekburne delivered verie good doctrine before noone, but was brought in effect to recant it after noone, before the whole Assemblie: a great step from a precise honest minister, to a bishop of the new stamp, which he tooke on the yeere after. The king was occupyed, after his wounted maner, with the commissioners. They putt a number of brethrein of greatest estimatioun upon the leits, whereby the ringleaders in voting were removed, the votes of the sincerer sort divided; whereas these that were sett for the king layed all their votes upon one. Their nixt policie was to putt the cheefe of the whole Assemblie upon the conference there, to reasoun upon their propositiouns, thereby to know what to bring in publict, and how. In the conference, first, was intended, a treatie for uniforme consent and agreement in opiniouns, as if there had never beene occasioun of greefe ministered by informalitie and iniquitie in their proceedings. It was thought good that foure of the one opinioun, and foure of the other, sould goe apart to conferre; upon hope, that upon their agreement would follow an universall agreement. For the king's side were chosin, Mr George Glaidstains, Mr James Nicolsone, Mr Robert Howie, Mr Alexander Douglas; and Mr Johne Spotswod to be their scribe: for the other side, Mr Patrik Schairp, Mr Patrik Simsone, Mr James Melvill, Mr David Barclay; and one to be their scribe. They were commanded to putt their reasons in writt, and to report them to the Assemblie. They beginne to reasoun the mater *ab ovo*, to defyne a parliament,

and what it is to vote in parliament. The king hearing of it, discharged them to meddle with that point. These eight spent the tyme verie fruictfullie, a whole afternoone tide. The foure that stood for the established discipline were verie plaine, squair, and compendious, after protestatioun before God for secrecie. And, indeid, some good was expected. But the day following, when the foure standing for the established discipline were readie to continue, the king would have the reasouning before himself, and certan of the counsell, in the privie conference. So the questioun was reasouned at lenth, whether vote in parliament, as it was offered to the kirk in the statute made last theranent, sould be accepted or not. The brethrein who stood for the established discipline brought manie reasons to prove, that it was directly against the Word of God. The arguments that were used could not be denyed, but were in effect granted, seing they were doing that in effect which they were denying. The minute of the conference followeth :—

That the constitution of the Generall Assemblie holdin at Dundie 1598, *taikin as it is meaned, after the mind of the foresett doun act of parliament, is flatt repugnant to the Word of God.*

Argument 1. Antichristian and Anglican episcopall digniteis, offices, places, titles, and all ecclesiasticall prelaceis, are flatt repugnant to the Word of God, Luke xxii.; 1 Tim. iii.; Tit. i.; 1 Peter v.; Matt. xxiii., &c.

But suche is that which is set doun in the act of parliament foreplaced, and meaned in effect, by the constitutioun of the said Assemblie: *Ergo*—

Answered, That all corruptiouns of these bishopricks are damned and rejected; and as to the act of parliament, it was alleged to be formed and sett doun by the invyers of the kirk's weale, of purpose that the benefite might be refused, and the kirk to ly over in the old miserie and contempt.

Arg. 2. That the ministers of God, separated from the commoun effaires of the world, sanctified and consecrated to the ministrie of God's worshipping, and salvatioun of his people, sould turne again

to the world, and beare a commoun office and charges therin, and effaires therof, is flatt repugnant to the Word of God.

But so it is, that this constitutioun will impone that on the ministers of God: *Ergo*—

The propositioun is proved by thir places following:—Numb. iii. 44, 45, "And the Lord spake unto Moses, saying, Take the Levits, for all the first-borne of the childrein of Israel, and the Levits sall be myne: I am the Lord." Numb. xviii. 6, "For, loe, I have taikin the Levits from the childrein of Israel, which as a gift are givin to the Lord, to doe the service of the tabernacle of the congregation." Deut. x. 8, "The same tyme the Lord seperated the tribe of Levi, to beare the arke of the covenant of the Lord, to stand before the Lord, to minister unto him, and to blesse in his name, unto this day." Deut. xviii. 12, "The preests and Levits sall have no part nor inheritance with Israell: For the Lord is their inheritance, as he said unto them." Acts xiii. 2, "Now as they ministred unto the Lord, and fasted, the Holie Ghost said, Seperat me Barnabas and Paul, for the worke wherunto I have called them." Rom. i. 1, "Paul, a servant of Jesus Christ, putt a part to preache the evangell of God."

The assumptioun is proved by the act of parliament, where, unto the ministrie is adjoyned, an office to be givin by the king, called the office and dignitie of a bishop, or ecclesiasticall prelat. And in the constitutioun of the Assemblie, it is determined to be a mixed qualitie, partlie or halfe civill, halfe ecclesiasticall. This argument was answered, by denying the assumptioun, and so, the act of parliament and conclusion of the Assemblie; and plainlie declared, that they sould beare no commoun office nor charge in things civill.

Arg. 3. That the ministers of Christ sould be distracted from preaching of the Word and doctrine, is flatt repugnant to the Word of God. But this office of a bishop voting in parliament will distract, &c.: *Ergo*—

Luke v. 59, Christ says to one, "Follow me;" who answered, "Lett me first goe burie my father." Christ answered, "Lett

the dead goe burie the dead, and goe thou and preache the gospell of the kingdome of God." Another says, "Maister, I will follow thee, but lett me first goe take order with my house." Christ answered, "No man putting hand to the pleuche, and looking backe, is meete for the kingdom of God." Deut. xxxiii. 8, "And of Levi he said, Lett thy Thummim and thy Urim be with thy Holie One, saying to his father and his mother, I have not seene him; nather knowes he his brethrein nor his owne childrein, but observes thy word, and keepes thy covenant. They teache Jacob thy judgements, and Israel thy law: they putt incense before thy face, and burnt-offerings upon thyne altar." Acts vi. 2, "Then the twelve called the multitude of the disciples together, and said, It is not meete that we sould leave the Word of God, and serve the tables."

The argument takin from these places concluded stronglie. For if these most necessar, naturall, œconomick, yea, and ecclesiasticall offices, sould not distract from the preaching of the Word, muche lesse sould civill effaires and offices have place to distract. To the which it was answered, that they sould not be distracted, but necessarilie imployed in preaching of the Word and doctrine, at these solemne and commoun tymes, for the weale of the whole kirk and commoun weale.

Arg. 4. Whosoever are in tyme and out of tyme, day and night to be occupyed in the businesse of their calling, sould be freed, and have immunitie from all other turnes. But so ought, and are the pastors of the kirk to be occupyed: *Ergo*—

1 Chron. ix. 33, "These are the cheefe fathers of the Levits, abiding in the chambers of the temple, exeemed from worldlie turnes, becaus day and night the worke of the temple lay on them." 2 Tim. iv. "I attest thee before God, and the Lord Jesus Christ, who sall judge the quicke and the dead at his appearance and kingdom; preache the Word, be instant in tyme and out of tyme, convict, reprove, exhort, with all long-suffering and doctrine. Watche in all, suffer adversitie, fulfill thy ministrie." 1 Tim. iv. 15, 16, "Take care of thir things; be occupied in thir, that the furtherance may be manifest to all men. Take heed to thy self,

and to the doctrine; abide or remaine therupon. For in doing so thou sall save both thy self and them that heare thee." John xxi. 15, 16, 17, "So when they had dyned, Jesus said to Simon Peter, Simon, sonne of Jonas, loves thou me more than these? He said unto him, Yea, Lord, thou knowes that I love thee: he said unto him, Feede my lambes,"—and so thrise. Acts xx. 20, "I preached publictlie, and through everie house I wairned everie one night and day, with teares."

Answere to this was, They sall be occupied in nothing by their calling.

Arg. 5. To make the charge of soules so light, that therewithall another may be joyned and borne, is direct against the Word of God. But, &c.; *Ergo*—

Ezech. xxxiv. 1, &c. "And the word of the Lord came unto me, saying, Sonne of man, prophecie against the pastors of Israel, and say unto them, Thus sayeth the Lord God, Woe be unto the pastors that feede themselves: Sould not the sheepheard feede the flocke? Yee eate the fatt, and clothe you with the wooll, but yee feede not the flocke. The weake yee have not strenthenned, the sicke ye have not healed, nather have yee bound up the brokin, nor brought again that which was drivin away, nather have ye sought that which was lost, &c. They were scattered without a sheepeheard, and the sheepe wandered," &c. Zachar. xi. 17, "O, idle sheepeheard, that leaves the flocke, the sword sall be upon his arme, and upon his right eye; his arme sall be cleane dryed up, and his right eye sall be utterlie darkened." Acts xx. 20, "I keepe backe from you nothing, but have shewed you, and taught you openlie, and through everie house." 26. "I take you record this day, that I am pure from the blood of all men." 28. "Take heed unto yourselves, and to all the flocke wherof the Holie Ghost has made you overseers, to feede the kirk of God, which he has purchassed with his owne blood." 31. "Therefore watche, and remember, that by the space of three yeeres, I ceassed not to wairne everie one, both night and day, with teares." 1 Pet. v. 2, "Feede the flocke of God, cairing for it with a readie minde."

8. "Be sober and watche, for your adversar the devill goes about like a roaring lyoun, seeking whom he may devoure." 2 Corin. ii. 15, "For we are unto God the sweit savour of Christ in them that are saved, and in them that perish." 16. "To the one, we are the savour of death unto death, and to the other the savour of life unto life. And who is sufficient for these things?" 17. "For we are not as manie, which make merchandice of the Word of God; but as of God, in the sight of God, we speeke in Christ." Heb. xiii. 17, "Obey your guides, and be subject to them; for they watche over your soules, as suche as sall give a compt for them."

The answere was, by denying the assumptioun; and so, as in all other answeres, in effect denying the thing they were doing.

Arg. 6. The jumgling and confounding of jurisdictiouns and callings which God has distinguished in persons, and maner of handling, is against the Word. But so it is, that this constitutioun imports that, expresselie terming their office to be of a mixed qualitie: *Ergo*—

Numb. xviii. 4, 7, "Yee sall keepe the charge of the tabernacle of the congregation, for all the service of the tabernacle, and no strangers sall come neere to you. The stranger that cometh neere sall be slaine." The ministers then of God's service, and the civill administrators, are strangers one to another, and sould not be confounded, under paine of deathe.

2 Chron. xix. "Behold, Amariah the preest sall be cheefe over you, in all maters of the Lord; and Zebadiah, the sonne of Ismael, a ruler of the house of Judah, sall be for all the civill effairs." Matt. xxii. 21, "Give unto Cæsar that which is Cæsar's, and to God which is God's." Deut. xxii. 9, 10, 11, "Thou sall not sow thy vineyaird with diverse kinde of seeds, least thou defile the increasse of the seed which thou hast sowin, and the fruict of the vineyaird. Thou sall not plew with an oxe and an asse together. Thou sall not weare a garment of diverse sorts, as of wooll and fyne linnen together."

This was answered, by a denyall of jumgling and confusioun, but with a granting of conjoyning and conjunctioun; and so, all one,

and bewraying of the purpose which they seemed before to deny, *viz.* to conjoyne a civill office with an ecclesiastick.

Arg. 7. That the officers of Christ's kingdom sould meddle with things not perteaning thereto, is ἀλλοτριεπισκοπειν, against the Scripture, 1 Peter iv. 15. But politick and civill offices are suche: *Ergo*—

Johne vi. 15; "Jesus then knew that they were to come and take him, and make him their king; he withdrew himself to the mountaine alone." Johne xviii. 36, "Jesus answered and said unto Pilat, My kingdom is not of this world." Lucke xii. 13, 14, "One of the multitude said unto him, Maister, speeke to my brethrein, that they may divide the heritage with me. He said unto him, O man, who made me judge or parter over you?" Johne viii. 11, "Jesus said to the adulteresse, Nather doe I judge thee: goe, and sinne no more."

It was answered, That the spirituall and civill functiouns differed not in subject, but in maner, and forme of handling and treating of one and the same subject, to diverse ends; and that Christ's officers sall be urged to handle civill things no otherwise but spirituallie.

Arg. 8. That Christ's ministers sould beare worldly pre-eminence, bruike ambitious styles, and be called εὐεργεται, gratious lords, is against the Word of God. But this constitution will permitt, yea, and make them so to doe: *Ergo*—

Matt. xxiii. 6, "The Scribes and Pharisees love πρωτοκλισιαν, and πρωτοκαθεδριαν, in the synagogues, and salutation in the mercat, and to be called, Rabbi. But be yee not called Rabbi; for ye have a Maister, Christ, and yee are all brethrein, &c. Lett him that is great among you be servant; for whosoever will lift himself up sall be cast doun; and he that will dimitt himself sall be lifted up." Lucke xxii. 25, "There entered a contentioun among them, who sould be the most, or the greatest. But he said unto them, The kings of the nations beare rule over them, and are called gratious lords, εὐεργεται. But be yee not so. But he that is most among you, lett him be as least; and he that is the guide, as the servant."

Matt. xx. 26, "But it sall not be so among you; but whosoever will be great among you, lett him be your servant."

To this was answered, That this which they were about to doe sould nather permitt, nor make worldly pre-eminence, nor ambitious styles.

Arg. 9. That the souldiour of God sould be involved in the effaires of this life, is flatt repugnant to the Word of God. But this will involve him: *Ergo*—

Num. iv. 3, "From thirty yeere old and above, unto fifty yeere, all that is meete to take on this warefare, to doe the worke, in the tabernacle of the congregation." 2 Tim. ii. 3, 4, "Thou, therefore, suffer afflictioun, as a good souldiour of Jesus Christ. No man that warreth entangleth himself with the effairs of this life, that he may please him who has chosin him to be a souldiour," &c.

Answered, They sall not be involved, nor sould not, by the nature of their calling.

Arg. 10. The magistrats and civill rulers preache not the Word, nor minister sacraments, nor exercise spirituall discipline, acknowledging these things impertinent to their functioun: *Ergo*, Nather sould ministers make civill lawes, nor judge and rule conforme thereto.

Answere, It was not meaned by that voting in parliament, that the ministers sould use judicatour civill, or anie part of the magistrat's office; for that the king was onlie judge in the parliament, and the estats gave but their advice.

Arg. 11. That which wants both precept and exemple in the Evangels, Acts, and Epistles of the Apostles, and the whole historie and writtings of the Christian kirks, till almost eight hundred yeeres after Christ, and at what tyme the Pope came to that shamelesse usurpatioun of both the swords, and sett himself in the chaire of pestilence and pride, treading on the neckes of emperours and kings, &c., is no wise to be admitted or suffered in our reformed kirks, &c. But so is this new office of a mixed qualitie: *Ergo*—

For answere to this were brought furth exemples of the Old

Testament, Melchisedeck king and preest, the governement of the kirk in the famileis of the patriarches; *Item*, Moses and the Levits, who were appointed judges and interpreters of the law throughout the land. To this, replyed: Melchisedeck, Moses, nor the High Preest, can not be exemples for the evangelicall ministrie, being types of the head and soveran King and High Preest, the Lord Jesus Christ. Also, Moses and Aaron were brethrein indeid; but after Aaron's consecratioun, boore distinct offices, showing us, that the ecclesiastick and civill rulers sould live as brethrein, but everie one to be about their owne office and calling, for others' mutuall weelefare. As for the governement of the famileis, there was another reasoun therof, than of citeis and commoun weales; in so farre as he that rules his familie rules but himself, but who rules a citie and commoun wealth governes manie famileis. Therefore, *Aristot.* 1 *Polit.* makes an essentiall difference betuixt the administratioun of a republick and familie. And, finallie, as for the Levits, they represented no ecclesiastick evangelick office. And concerning these that were appointed * * * * called in the Gospell γραμματεις, if they represented anie office under the Evangell, it was the office of Doctors. So that thereby the doctors sould be appointed voters in parliament.

Arg. 12. The subject of the office of a minister, and of a civill worldlie office, are diverse and contrare; therefore, cannot be occupyed in both.

Rom. viii. 5, 6, 7, "They that are after the flesh, savour the things that are of the flesh; but they that are after the Spirit, the things of the Spirit. The wisdom of the flesh is death, but the wisdom of the Spirit is life and peace. The wisdom of the flesh is inimitie against God; it is not subject to the law of God, nather indeid can be." 1 Cor. ii. 12, "We have not received the spirit of the world, but the Spirit which is of God, that we may know the things that are givin to us of God. But the naturall man perceaves not the things of the Spirit of God: for they are foolishnesse to him, nather can he know them; for they are spirituallie discerned." 1 Johne ii. 15, 16, "Love not the world, nor the

things that are in the world. If anie man love the world, the love of the Father is not in him. For all that is in the world, (as the lust of the flesh, the lust of the eyes, the pride of life,) is not of the Father, but of the world: and the world passeth away, and the lust therof. But he that fulfilleth the will of God abideth for ever."

It was answered, That this argument was against worldlie, unchristian, and unsanctified civill offices.

Replyed, That manie alledged Christian were more impious and unjust than the Persian, Grecian, and Roman.

Arg. 13. The maner of doing of the one is in like maner adverse to the other, as is evident of the same places, and manie other: *Ergo*—

And heere was pertinentlie used the Apologue of Æsop, anent the colyear and the waker, wherof the colyear desired to dwell beside the waker, alledging manie commoditeis that might come to both. But the waker, weill advised, refused altogether; "For it is not possible," sayes he, "but thy occupatioun will marre myne; for thou makes blacke, and I make whyte."

Arg. 14. Their ends are also contrare; the ministers' office being to fish men out of the sea of this world unto God, which they can not doe, if they ly plunging in the world themselves. Thus said Christ to his disciples, Peter, Johne, &c., "Follow me, and I will make you fishers of men."

Arg. 15. The experience of the kirk in all ages, since that corruptioun entered in, and, namelie, in our owne age, not onlie among the Papists, but in our nighbour land of England, and among our selves, cleerelie proves and loudlie cryes, that it is not possible that they can stand together. Therefore, the Queene of England's dictum is, when she makes a bishop, "Alas! for pitie, for we have marred a good preacher to-day!" And what gappes our bishops have beene in Scotland, and are, the whole countrie knowes. The experience also of godlie pastors teacheth them this, when they have beene but never so little, and of necessitie occupyed in the world, how hard it is to gather themselves again, and gett the heart sett toward God, and their spirituall dueties and actiouns. *Qui ambulat in sole, coloratur; qui tangit picem, inquinatur; qui fre-*

quentat aulam et curiam, profanatur. Forum pontificis, Petrum ad Christi abnegationem adegit. Quæ est corporum constitutio, ea est, et morum. Circumposito ære, calido calescimus; et rursus, frigido frigescimus. Sic cum sanctis, sanctus eris; cum perversis, perverteris.

Matt. vi. 24, "No man can serve two maisters. Ather sall he hate the one and love the other, or cleave to the one and despise the other. Yee can not serve God and Mammon."

Arg. 16. Nature and the same experience has dyted the axiome and proverbe, One office for a man is eneugh; and manie yrons in the fire some will coole. Therefore, the wise men in nature, Plato and Aristotle, in their republicks, sett doun the same, εἰς πρὸς ἐν; and banishe therefra, πολυσχολυχνιον, and δορυδρεπανον, instruments serving for moe uses at once, as unprofitable, and that spill things, &c. Now, if in a civill commoun weale, by the light of nature *in subjecto homogeneo*, one turne and office is eneugh for a man, surelie it is no wise convenient nor possible, that *in subjecto heterogeneo*, viz., both in kirk and commoun weale, one man can beare two offices.

Arg. 17. That which has beene as a pest eshewed, straitlie forbidden by acts, and stoutlie stood against in publict doctrine, and at all Assembleis since the first planting of the sinceritie of the Gospell within the realme, sould not now, by perswasioun and moyen of court, be brought in within the kirk: But suche is this: *Ergo*—

The acts of our Generall Assembleis forbid a minister to joyne with his ministrie the office of a notar, husbandrie, or labouring of land, ostlarie, &c., under paine of depositioun.

Theod. Beza ad Knoxium, Epist. 79.—"Sed et istud (mi Knoxe) te cæterosque fratres velim meminisse, quod jam oculis pene ipsis observatur: sicut episcopi Papatum pepererunt, ita, pseudo-episcopos papatus reliquias epicureismum terris invecturos. Hanc pestem caveant, qui salvam ecclesiam cupiunt. Et cum illam e Scotia in tempore profligaris, ne, quæso, illam unquam admittas, quantumvis unitatis retinendæ specie (quæ veteres etiam optimos multos fefellit) blandiatur."

Arg. 18. And last, The judgement of the fathers and doctors of

the kirk, ancient and moderne, old, new, Tertullian, Cyrillus, Primasius, Ambrosius, &c.

Tertull. de Idolatria, cap. 18.—"Si potestatem nullam ne in suos quidem exercuit Christus, (quibus sordido ministerio functus est;) si regem se fieri (conscius sui regni) refugit; plenissime dedit formam suis, de rejiciendo omni fastigio et suggestu, tam dignitatis, quam potestatis. Quis enim magis his usus fuisset, quam Dei filius? Quales enim fasces producerent? Quale aurum de capite radiaret? nisi gloriam seculi alienam et sibi et suis judicasset. Ideo, quæ noluit rejecit, quæ rejecit damnavit, quæ damnavit in pompa diaboli, deputavit."

Cyrillus, in Joan., lib. iii. cap. 20.—"Honor et gloria mundi fugienda sunt, iis qui volunt gloriam Dei consequi."

Primasius, in 2 Tim. ii.—"Comparatione militum utitur, ut ostendat multo magis, nos a negotiis secularibus liberos esse debere, ut Christo placeamus, si etiam seculi milites a reliquis seculi actibus vacant, ut possint regi suo placere."

Ambrosius, in Epist., 2 Tim. ii.—"Ecclesiasticus autem idcirco Deo se probat, ut huic devotiis officium impleat, quod spopondit in Dei rebus solicitus a seculari negotio alienus. Non enim convenit unum, duplicem habere professionem."

Bernard, de Consider., lib. ii. cap. 4.—"Apostolis interdicitur dominatus. Ergo, tu usurpare aude, aut dominus apostolatum, aut apostolus dominatum. Plane ab utroque prohiberis. Si utrumque simul habere voles, perdes utrumque." Idem, "Non monstrabunt ubi quisquam apostolorum aliquando judex sederit hominum, at divisor terminorum, aut destributor terrarum. Stetisse denique lego apostolos judicandos, sedisse judicantes, non lego."

Can. Apost., Can. 80.—"Dicimus, quod non oportet episcopum aut presbyterum publicis se administrationibus immittere, sed vacare, et commodum se exhibere usibus ecclesiasticis. Animam igitur inducito hoc non facere, aut deponitor. Nemo enim potest duobus dominis servire."

Vid. Gregor., lib. i. *Epistolarum*, Epist. 5, ad Theotistam, Imperatoris sororem.

Synod. Nicen. Can., Syla et Constant.—"Nemo, clericus, vel diaconus, vel presbyter, propter causam suam quamlibet intret in curiam, quoniam omnis curia a cruore dicta est. Et si quis clericus in curiam introeat, anathema suscipiat, nunquam rediens ad matrem, ecclesiam."

Damasus et Concil. Neocæs. et Antioch., anno 371.—"Episcopi qui secularibus intenti, curis greges chorepiscopis vel vicariis commendant, videntur mihi meretricibus similes, quæ statim ut pariunt, infantes suos aliis nutricibus tradunt educandos, quo suam citius libidinem explere valeant. Sic et isti infantes suos, (populos sibi commissos) aliis educandos tradunt, ut suas libidines expleant. Pro suo libitu secularibus curis * * * et quod unicuique visum fuerit, liberius agant. Pro talibus enim, animæ negliguntur, oves pereunt, morbi crescunt, hæreses et schismata prodeunt, destruuntur ecclesiæ, sacerdotes vitiantur, et reliqua mala proveniunt. Non talitur Dominus docuit, nec apostoli instituerunt. Sed ipsi qui curam suscipiunt, ipsi peragant, et ipsi proprios manipulos Domino repræsentent. Nam ipse ovem perditum diligentur quæsuit; ipse invenit, ipse propriis humeris reportavit; nosque id ipsum facere perdocuit. Si ipse pro ovibus tantam curam habuit, quid nos miseri dicturi sumus, qui etiam pro ovibus nobis commissis curam impendere negligimus, et aliis eas educandas tradidimus? Audiant quæso quid beatus Jacob dixerit, socero suo: 'Viginti annos fui tecum. Oves tuæ, et capræ tuæ, steriles non fuerunt: arietes gregis tui, non comedi, nec captum a bestia, ostendi tibi. Ego damnum omne reddebam; et quicquid furto perierat, a me exigebas. Die noctuque astu urgebar, et gelu; fugiebat somnus ab oculis meis.' Si ergo sic laborat, et vigilat, qui pascit oves Laban, quanto labore, quantisque vigiliis debet intendere, qui pascit oves Dei? Sed in his omnibus nos instruat, qui pro ovibus suis dedit animam."

Synod. Carthag.—"Ut episcopus nullam rei familiaris curam ad se revocet, sed ut lectioni, et orationi, et verbo prædicationis tantummodo vacet."

Synod. Calced. Œcumenica, Confess. 15.—"Ne episcopi, clerici,

et monachi, rebus se politicis implicent, aut prædia aliena conducant." *Sexta Univers. Synod. Constant.* Can. 80.—"Episcopis non competere ecclesiasticum, et politicam eminentiam. Episcopus, aut presbyter, aut diaconus, militiæ vacans, et volens utrumque principatum Romanum, et sacerdotalem dignitatem, deponitor. Nam quæ Cæsaris sunt Cæsari, et quæ Dei Deo."

Ex Epistola Consilii Africani ad Papum Cœlestinum.—"Executores etiam clericos vestros quibusque potentibus, nolite mittere, nolite concedere, ne fumosum typhum seculi in ecclesiam Christi, quæ lucem simplicitatis et humilitatis diem Deum videre cupientibus præfert, videmur inducere."

Synod Macrens.—"Nec rex pontificis dignitatem, nec pontifex regiam potestatem, sibi usurpare præsumat. Sic actionibus propriis dignitatibusque a Deo distinguuntur, ut Christiani reges pro æterna vita pontificibus indigerent, et pontifices pro temporalium rerum cursu regum dispositionibus uterentur, quatenus spiritualis actio a carnalibus distaret incursibus. Et ideo, militans Domino minime se negotiis secularibus implicaret, ac vicissim, non illi rebus divinis præsidere videntur."

Synod. Roman., an. 1215.—"Universis clericis interdicimus, ne quis prætextu ecclesiasticæ libertatis, suam de cætero jurisdictionem extendat in præjudicium justitiæ secularis; ut quæ sunt Cæsaris reddantur Cæsari, et quæ sunt Dei Deo."

Calvinus in Epist. ad Tim. 2.—"Semper pastorem meminisse oportet veteris proverbii, 'Hoc age;' quod significat ita serio incumbendum esse peragendis sacris, ut studium ejus et intentionem nihil aliud impediat."

Martyr. in loc. com., Class. 14, cap. 13.—"Distingui oportet has functiones civilis et ecclesiastica, quia utraque earum seorsim totum hominem requirit, imo, vix ullus unquam repertus est, qui alterutram recte obire posset. Adeo est difficilis utraque provincia."

"Bohemi quatuor articulos Basiliensi synodo proponunt, quorum, secundus est de civili dominio quod interdicitur clericis divina lege dicebant." Gesner. de Synodis.

Of these and the like places, the ancients and neotericks are full and cleere, when ever they treate of this mater.

These arguments being so strong, and in effect all granted, the mater not succeeding as the king and commissioners looked for, they went another way to worke; to the end they might obteane a ratificatioun of the articles agreed upon by the commissioners sent from the synods, and the perpetuitie of the commissioner voter in parliament, they used diligence, craft, and authoritie. Diligence, for from the king's rysing earelie at morne, till he went late to bed, he was so bissie with ministers, that the courteours compleaned heavilie they could gett no accesse. As for authoritie, it kythed manie wayes, speciallie in the last moderator's recantatioun, and commanding Mr Andrew Melvill to keepe his loodging, howbeit he was sent in commissioun from his presbyterie. When he was called for to the king, and demanded in privat, why he was so troublesome? wherefore came he to assembleis, being discharged? he answered, he had a calling of the kirk, which it behoved him to discharge. The king threatned him; but he putt his hand to his craig, and said, "Sir, take you this head, and caus cutt it off, if you will; you sall sooner gett it, than that I sall betray the caus of Christ." He remained in the toun, and strenthenned the brethrein with arguments and exhortatioùns.

Their craft and dissimulatioun kythed in this, that working with might and maine for episcopacie, yitt they gave it out among the brethrein, that there was no suche thing meant, but onlie vote in parliament, to vindicat the kirk from contempt and povertie. And so sounded their answers to the arguments in the conference. By craft, they gott suche a moderator as they had at their owne devotioun. And yitt, there was suche oppositioun made by manie worthie brethrein, that they could not gett perpetuitie of commissioun to vote in parliament *ad vitam* or *ad culpam* agreed unto, but onlie that it sould be annual. Which conclusioun, the king and the clerk by adding thereto, drew als neere their purpose as they could, viz., that the commissioner voter in parliament sould

give a compt *annuatim*, and lay doun the office at the feete of the Assemblie, to be continued or altered as the Assemblie, with consent of the king, sall thinke most expedient. One and fiftie voted that the commissioner voter sould be chosin *annuatim* by everie presbyterie, from yeere to yeere; fourtie-eight voted that he sould continue *ad vitam* or *ad defectum*, as they called it. Manie of the fourtie-eight were not ministers, nor had no commissioun, as the secretar, and commissioners of burghes. The commissioners of the Generall Assemblie were so greeved for the great advantage gottin of them by pluralitie of votes, that they mett secreitlie at night, and did devise a new interpretatioun, which they putt in the king's head. And so it was concluded upon the Saturday after, the forme that is now extant in the booke:

Sessioun 6.

"Forasmuche as in the last Generall Assemblie, there was a commissioun givin to everie synodall within the realme, to elect and choose out three of the wisest of their number, to be readie, upon his Majestie's advertisement, to conveene with his Hienesse, and to treate upon suche heeds concerning vote in parliament as were not condescended upon in the last Assemblie, and incace of agreement, to conclude the whole mater; otherwise, to referre the same to this present Assemblie, as at more lenth is conteaned in the said commissioun: conforme to the which the saids commissioners being conveenned at Falkland the 25th day of Julie, 1598, they being rypelie advised with the heeds following, gave their advice and conclusioun as followes:—

"1. Concerning the maner of choosing of him that sall have vote in parliament in name of the kirk, it is condescended upon, that he sall be first recommended by the kirk to his Majestie; and that the kirk sall nominat six for everie place that sall have need to be filled, of whom his Majestie sall choose one of whom he best likes; and his Majestie promiseth, obligeth, and bindeth himself, to choose no other but one of that number. And incace his Majestie refuse the whole, upon a just reasoun of an insufficiency, and

of a greater sufficiencie of others that are not recommended, the kirk sall make a new recommendatioun of men according to the first number, of the which, one by his Majestie sall be chosin, without anie farther refusall or new nominatioun; and he that sall be chosin by his Majestie sall be admitted by the synods.

"2. It is concluded, that the Generall Assemblie sall have the nominatioun or recommendation of him that in name of the kirk sall vote in parliament, who sall take the advice of the synods and presbytereis theranent, directed from them in writt; and the synod sall have libertie to nominat, als weill within the province as without, providing, that if there be a man within the province meete for the place, *cæteris paribus*, he be preferred to another.

"3. Anent his rent, it is advised with one consent, that the kirks being planted sufficientlie, the colledges and schooles alreadie erected not prejudged, that the king's Majestie sall provide him to all the rest that may be obteaned of that benefice whereto he is preferred.

"As to the cautions to keepe him that sall have vote in parliament from corruption, they be these following:—

"1. That he presume not at anie tyme to propone, at parliament, counsell, or conventioun, in name of the kirk, anie thing without an expresse warrant and directioun of the kirk, and suche things as he sall answere for, for to be for the weale of the kirk, under the paine of depositioun from his office; nather sall he consent, or keepe silence in anie of the said conventiouns, to anie thing that may be prejudiciall to the weale and libertie of the kirk, under the same paine.

"2. He sall be bound at everie Generall Assemblie to give an accompt anent the discharge of his commissioun, since the Assemblie going before; and sall submitt himself to their censure, and stand to their determinatioun whatsomever, without appellatioun; and sall seeke and obteane ratification of his doings at the said Assemblie, under the paine of infamie and excommunicatioun.

"3. He sall content himself with that part of the benefice which sall be givin in by his Majestie for his living, not hurting nor pre-

judging the rest of the ministers of the kirks within his benefice planted, or to be planted, or anie other minister of the countrie whatsomever. And this claus to be insert in his provision.

"4. He sall not dilapidat in anie wise his benefice, nather make sett nor dispositioun therof, without the speciall advice and consent of his Majestie and Generall Assemblie. And for the greater warrant heerof, he sall interdyte himself not to dilapidate his benefice, nor to consent to dilapidatioun therof made by others, to the Generall Assemblie; and sall be content that inhibitions be raised on him to that effect.

"5. He sall be bound faithfullie to attend upon his owne particular congregatioun wherat he sall be minister, in all the points of a pastor, and heeranent sall be subject to the tryell and censure of his owne presbyterie and provinciall Assemblie, as anie other minister that beares not commissioun.

"6. In the administratioun of discipline, collatioun of benefices, visitatioun, and all other points of ecclesiasticall governement, he sall nather usurpe nor acclame to himself anie power or jurisdictioun, farther nor anie of the rest of his brethrein, under the paine of deprivatioun. And in cace he usurpe anie part of the ecclesiasticall governement, and the presbyterie, synodall, or Generall Assemblie oppone, and make anie impediment thereto, whatsoever he doe after that impediment to be null, *ipso facto*, without anie declaratour.

"7. In presbytereis, Provinciall and Generall Assembleis, he sall behave himself in all things, and be subject to their censuring, as anie of the bretlirein of the presbyterie.

"8. At his admissioun to his office of commissionarie, these and all other points necessar he sall sweare and subscribe to fulfill, under the penaltéis foresaids, and otherwise not to be admitted.

"9. And in cace he be deposed by the Generall Assemblie, synod, or presbyterie, from his office of the ministrie, he sall tyne his vote in parliament *ipso facto*, and his benefice sall vaike.

"And further cautiouns to be made, as the kirk pleaseth and finds occasioun.

"Tuiching his name that for the kirk sall have vote in parliament, it is advised by uniform consent of the whole brethrein, that he sall be called the COMMISSIONER of suche a place: and incace the parliament, by his Majestie's moyen, may be induced to acknowledge that name, it sall stand so; if not, the Generall Assemblie sall conclude this questioun anent his name."

The questioun being demanded, whether the commissioun of him that for the kirk sould vote in parliament, sould indure for his lyfe tyme, except some cryme or offence interveene, or for a shorter tyme, at the pleasure of the kirk, the commissioners of the Provinciall Assembleis being of diverse opiniouns, thought good to referre this questioun to the nixt Generall Assemblie.

Which whole conclusiouns being read in audience of the whole Assemblie, and they being rypelie advised therewith, ratified, allowed, and approved the same, and thought expedient that the said cautiouns, together with such others as sall be concluded upon by the Assemblie, be insert in the bodie of the act of parliament that is to be made for confirmatioun of vote in parliament to the kirk, as most necessar and substantiall points of the same.

Thus the Trojan hors, the Episcopacie, was brought in, busked and covered with caveats, that the danger and deformitie might not be seene; which was, notwithstanding, seene of manie, and oppouned unto. But force and falshood prevailed; and it was concluded farther in Sessioun 8th as followeth:—

Sessioun 8th. "Forasmuche as the commissioners of the synodalls conveenned at Falkland the 25th of Julie, the yeere of God 1598 yeeres, being of diverse opiniouns concerning the continuance of his commission that sall have vote in parliament, whether he sould indure for his lyftyme, except some crime or offence interveene, or for a shorter tyme, at the pleasure of the kirk, they thought good to referre the same to this present Assemblie. Therefore, the Generall Assemblie having reasouned at lenth the said questioun, tuiching the continuance of him that sall have vote in parliament, after voting of the same, finds and decernes, that he sall *annuatim* give a compt of his commissioun obteaned from the

Assemblie, and lay doun the same at their feete, to be continued or altered therefra, by his Majestie and the Assemblie, as the Assemblie, with consent of his Majestie, sall thinke most expedient to the weale of the kirk.

"It is statuted and ordeanned, that none of them that sall have vote in parliament sall come as commissioners to anie Generall Assemblie, nor have vote in the same in anie tyme comming, except he be authorised with commissioun from his owne presbytereis to that effect.

"It is found by the Assemblie, that *crimen ambitus* sall be a sufficient caus of deprivatioun of him that sall have vote in parliament.

"It is statuted and ordeanned, that everie minister intimat this generall, that the vote in parliament is concluded by the Assemblie, and that none utter speeche in pulpit contrare the same."

The generall commissioun, which ruled all, was renewed immediatlie after in the same sessioun:—

"Forasmuche as it has beene found necessar of before, and profitable for the weale of the kirk, that certane commissioners be appointed from Assemblie to Assemblie, whose speciall care and travell sould be, to give their advice to his Majestie in all effaires concerning the weale of the kirk, and enterteanement of peace and concord betwixt his Majestie and the kirk: Therefore the Generall Assemblie, continuing in that same course, has givin and granted, lyke as by the tenor heerof they give and grant, their full power and commissioun, to Mrs Johne Strathauchane, James Nicolsone, Andrew Mylne, Alexander Forbesse, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldcleuche, Robert Wilkie, Harie Livingstoun, Alexander Lindsey, George Glaidstains, Robert Pont, David Lindsey, Robert Bruce, Johne Hall, Johne Clapperton, Johne Knox, Andrew Lamb, James Law, Johne Spotswod, Gavin Hammiltoun, David Barclay, Andrew Knox, with the king's Majestie's ministers, or anie nyne of them: Giving, granting, and committing unto them their full power to plant suche kirks in burrow touns as are destituted of pastors; and in speciall, the kirk

of Leith, in place of Mr Johne Hall, last removed therefra, and the South-west Kirk of Edinburgh, vaiking by deceasse of umquhile Mr Robert Rollocke; to present the greeves of this present Assemblie to the nixt conventioun, and receave the answeres of the same. And likewise, incace his Majestie find himself greeved at anie enormitie committed by anie of the ministrie, to try and cognosce upon the same, and take suche order theranent as sall be meetest to the glorie of God, and weale of the kirk: To advise with his Majestie anent the effectuating of the constant platt. *Promitten de rato*, &c."

These are the commissioners appointed to await on the conventioun: Mrs David Lindsey, Robert Bruce, James Nicolsone, Andrew Lamb, William Cowper, Alexander Lindsey, John Spotswod, with the king's Majestie's ministers.

It is to be observed, that sindrie were nominated commissioners for the fashioun; for the king and his factioun minded never to make them partakers of their platts; namelie, Mr Robert Bruce, Mr Johne Knox, Mr Andrew Mylne, Mr Harie Livingston. The king might proceed with anie nyne, without the rest.

The commissioners appointed in the last Assemblie for visitatioun of kirks within everie presbyterie, being inquired what they had done, answered for the most part, that they were not able to discharge anie point of the said commissioun, in respect they wanted moyen to furnishe their expences. It was ordeanned, therefore, in the secund sessioun, that this sould be meanned to his Majestie, that some remeed may be provided thereto. Visiters, notwithstanding, were appointed in the eight sessioun, to visite some parts of the countrie that needed, as followeth:—

"Forasmuche as there are diverse parts of the countrie that, for laike of visitatioun, are become almost desolat: Therefore the Generall Assemblie has thought good, that certan visiters be directed for visiting the bounds of Kirkcudbright and Wigton, Mrs David Barclay, Alexander Scrimgeour, and Nathan Inglis; of the bounds of Murrey, Mrs George Hay and Andrew Crumbie; of the bounds of Orkney and Caithnesse, Mrs Robert Pont, Johne

Monro, elder, and Johne Monro, younger; of the bounds of Rosse, Mrs Alexander Dowglas, Johne Carmichaell, and William Scott; for Nithisdaill, Mrs Robert Wallace, and Johne Welshe: with power to them to enquire in the life, doctrine, and qualificatioun of the ministrie within the saids bounds; to try the sayers and hearers of masse within the same: with power also to plant and transport ministers unto suche places as they sall thinke most expedient for the glorie of God and weale of the kirk, and to report it to the nixt Generall Assemblie."

ACTS.

Becaus it was regraited, that the act made in the last Assemblie, tuiching the ordinar keeping of presbytereis, was not regarded by sindrie of the ministrie, speciallie in Air and Irving, therefore, it was ordeanned, that the said act be putt in executioun, in all points, through all the presbytereis within this realme; and that, whosoever contemned or violated the same, after twise admonitioun, that he be suspended from his ministrie; and that the visiters report to the next Assemblie, what diligence they find in keeping the said act.

Becaus it was reported that some absteaned from the Communioun under colour of deedlie feeds, and other light causes, it was ordeanned, that the presbytereis command everie particular minister within their bounds to take up the names of all within their parish, that they may communicat everie yeere once at the least; and, therafter, summoun them to compeare before the presbyterie, to heare and see themselves ordeanned to communicat, within three moneths nixt after the charge: Certifeing them, if they faile, the act of convention made against non-communicants sall be putt in executioun against them; and if they remaine obstinat, after the expiring of three moneths, that the presbyterie delate their names to the king's Majestie, to the intent the foresaid act of convention may be putt in executioun against them: and where there is not a minister in the parish, that this order be suppleed by the presbytereis where the said parish lyeth.

Becaus diverse and great inconveniences arose, by the untymous mariage of young and tender persons, before they come to age meete for mariage, and that there is no statute of the kirk as yitt made, defyning the age of persons which are to be maried, it was ordeanned, that no minister within this realme presume to joyne in matrimonie anie persons, in tyme comming, except the man be fourteene yeeres of age, and the woman twelve compleit; and that the commissioners of the Generall Assemblie desire this statute to be ratified in the convention.

Becaus the mariage of persons convicted of adulterie is a great allurement to committ the said cryme, it is thought expedient that a supplicatioun be givin in to the nixt conventioun, to crave an act to be made, discharging all mariages of suche persons as are convicted of adulterie; and that the same be ratified in the nixt parliament.

QUESTIONS.

The questioun being moved, If it be lawfull, where congregatiouns are so spatious, that a great part of the same may not commodiouslie resort to their owne parish kirk, by reasoun of the great distance from the same, that a number of the said congregatioun build a new kirk, and interteane a pastor upon their owne expenses? the Assemblie, after long reasoning, thought it lawfull and expedient, and declared, they would assist the same as a godlie worke; and crave the same to be ratified in parliament, so oft as it sall occurre.

The questioun being moved, Whether a blind man may discharge all the points of the office of a pastor; and speciallie of the admissioun of Mr Johne Boyle to the ministrie of Jedburgh, he being blind, the Assemblie referred the answere to the generall question to the nixt Generall Assemblie; and as to the admissioun of Mr Johne Boyle, referred his tryell to the commissioners of the Generall Assemblie; and in the meane tyme discharged him to use anie part of the office of a pastor, except the preaching of the Word.

It was heavilie lamented in the king's presence, in the thrid sessioun, that whill as sindrie of the ministrie were occupyed in their lawfull calling, in persuing malefactors, adulterers, murtherers, and other slanderous persons, and urged them to purge themselves of the slanders committed by them, conforme to the statuts of the kirk daylie observed within this realme, that at suche tymes, they were drawin from their calling, and charged by letters privilie obteaned upon false narratives made by the said slanderous persons, to compeere before the Secreit Counsell, whereby they were not onlie distracted from their lawfull functiouns, but also the discipline of the kirk and punishment of vice was greatlie neglected and contemned: Therefore the Assemblie most humblie requeisted his Majestie not to suffer suche contempt of the discipline of the kirk, whereby the brydle would be loosed to all impietie and licentious living. His Majestie promised that, in tyme comming, no letters sould be directed from the Secreit Counsell, at the instance of anie person against anie minister in particular, or anie presbyterie in generall, for whatsomever thing he or they sall doe in the executioun of his or their offices, before the person requirer produce a testimoniall, under forme of instrument *de degenerata justitia*, of the minister or presbyterie, judges ordinar.

Sessioun 4. The brethrein appointed to await upon the king's Majestie, for advising of suche articles as sould be craved of the nixt conventioun for taiking order with Jesuits, Papists, Seminarie preests, &c., have, with the king's Majestie's owne advice, formed the articles underwrittin, to be givin in to the nixt conventioun:—

1. That all Jesuits, Seminarie preests, excommunicated and traffiquing Papists, that sall happin in anie tyme comming to returne within the countrie, or that are presentlie within the countrie, sall, immediatlie after their delatioun to his Majestie, be apprehended and putt in waird, there to be deteaned, ay and whill they be converted to the religioun; or ellis punished according to the acts of parliament, or ellis removed off the countrie.

2. That the recepters of obstinat excommunicated Papists, and their cheefe freinds and acquaintance, whose houses they haunt, be

charged to find caution under a pecuniall paine, according to their abilitie and ranke, that they sall no wise recept nor interteane the said excommunicats.

3. That all excommunicated Papists be charged to satisfie the kirk within the space of three moneths, under the paine of horning; and if they failyie, to be denounced thereto; that their escheats and lyverents, incace of yeere and daye's rebellioun, may be intromitted with by his Majestie's treasurer, and not dispouned to anie donatioun.

4. That the Marqueis of Huntlie be charged to exhibit and present before his Majestie and Secreit Counsell, Johne Gordoun of Newtoun, Patrik Butter, and Mr Alexander Leslie, according to his band, that they may be committed to waird, ay and whill they satisfie the kirk.

It was ordeaned that Bonytoun, younger, be conveenned before the presbyterie of Brechin, and there offer satisfactioun, as to the judges ordinarie.

As it was agreed, that where the congregatiouns were spatious, and a great part of the congregatioun farre distant from the parish kirk, may build a kirk for themselves, if they interteane a pastor, so likewise were some kirks united, and their union confirmed with consent of the Assemblie. As for exemple, the union of the kirk of Alloway and Tillibodie, by reasoun that the number of parochiners would make but one sufficient congregatioun, and a stipend could not be obteaned for the kirk of Tillibodie. Sicklyke, the kirks of Essie and Norva, united by the presbyterie of Megle, in respect of the smalnesse of the number of both the parishes, not exceeding the number of five hundreth persons; and in respect the farthest part of both the parishes would not be distant halfe a myle from the place where the kirk commoun to both sould be builded; as also in respect of the impossibility of moyen to susteane two ministers. This union was ratified.

Upon Friday the 14th of Marche, the king returning from the Assemblie, and crossing Leith Ferrie, the mariners were forced to runne the boat on land, upon the sands of Kirkaldie, and the king

was takin out upon horsebacke. Though the weather was faire before he tooke boat, he exclaimed with execratioun, that he was ever in danger of his life in going to these Assembleis.

About the beginning of Aprile, the East Kirk of Edinburgh, where Mr Robert Bruce teached, was enlarged; and that contentioun betweene Mr Robert and some politicians was put to an end.

Upon Fryday, the fourth of Julie, the Ladie Waristoun, daughter to the Laird of Dunipace, was beheaded in the Cannogate, for the murther of her husband. The nurce and an hyred woman, her complices, were burnt in the Castell Hill of Edinburgh. The horseboy fled, being guiltie.

In this moneth of Julie, there came a Frenche ambassader from the King of France, and brought with him a masse preest, who said masse to him and his domesticks. The ministers sent commissioners to the king, to move the ambassader to forbeare suche exercise. But the king suffered him to continue still his exercise at his pleasure, and propynned him honorablie at his departure, in September after following.

About this tyme was a great dearth of bestiall, almost in all the parts of the countrie. A scheaffe of oat straw was sold for fourtie shillings in Edinburgh. There was also a great death of little childrein; six or seven buried in one day.

Johne Ruthven, Erle of Gowrie, after he had beene five yeeres furth out of the countrie, at his studeis and travells through France and Italie, returned to Scotland this yeere, and came to Edinburgh about the end of Februar, accompanied with a number of noble men, gentle men, and others. He was of great expectatioun, and muche respected by the professors. Upon the fyft of August, he and his brother, Mr Alexander, were slaine at Perth in his owne loodging, for attempting a conspiracie against the king, as was alledged, but not beleeved by manie. The discourse of the conspiracie, and the depositions serving to confirme the same, together with the censure and examinatioun, heere follow. The discourse was printed by the king's directioun, as followeth:—

"A DISCOURSE OF THE UNNATURALL AND VILE CONSPIRACIE ATTEMPTED AGAINST HIS MAJESTIE'S PERSON AT SANCT JOHNSTOUN, UPON THE 5TH DAY OF AUGUST, BEING TUISDAY, 1600.

"His Majestie having his residence at Falkland, and being daylie at the buck-hunting, as his use is in that seasoun, upon the fyft day of August, being Tuisday, he road out to the parke betuixt six and seven houres in the morning, the weather being wonderfull pleasant and seasonable. But before his Majestie could leape on horsebacke, his Hienesse being now come doun by the equerie, all the huntsmen, with the hounds attending his Majestie on the greene, and the court making to their horses, as his Hienesse' self was, Mr Alexander Ruthven, secund brother to the late Erle of Gowrie, being then lighted in the toun of Falkland, haisted him fast doun to overtake his Majestie before his on-leaping, as he did. Where meeting his Hienesse, after a verie low courtesie, bowing his head under his Majestie's knee, (although he was never wount to make so low courtesie,) drawing his Majestie apart, he beginnes to discourse unto him, but with a verie dejected countenance, his eyes ever fixed upon the earth, how that it chanced him, the evening before, to be walking abroad about the fields, taiking the air solitarie alone, without the toun of St Johnstoun, where his present dwelling was with the lord his brother, and there, by accident, affirmed to have recountered a base like fellow, unknowne to him, with a cloke cast about his mouth; whom at, as he enquired his name, and what his eatand was, to be passing in so solitarie a part, being from all wayes, the fellow became at the suddane so amazed, and his tongue so faltered in his mouth, that upon his suspicious behaviour he beganne more narrowlie to looke unto him, and examine him. And perceaving that there appeared some thing to be hid under his cloke, he did cast by the lappes of it, and so finds a great wyde pot to be under his arme, all full of coyned gold in great peeces; assuring his Majestie

that it was in verie great quantitie; upon the sight wherof (as he affirmed) he tooke backe the fellow with his burthein to the toun, where he privatlie, without the knowledge of anie living, tooke the fellow, and bound him in a privie derned hous: and, after locking manie doores upon him, left him there, and his pott with him, and had haisted himself out of St Johnstoun that day, by foure houres in the morning, to make his Majestie advertised therof, according to his bound duetie; earnestlie requeisting his Majestie, with all diligence and secrecie, that his Majestie might take order therewith, before anie knew therof; swearing and protesting, that he had yitt concealed it from all living, yea, from the erle, his owne brother.

"His Majestie's first answere was, (after thanking him for his good will,) that it could not become his Majestie to meddle anie way in that mater, since no man's treasure, that is a free and lawfull subject, can by the law apperteane unto the king, except it be found hid under the earth, as this was not. Wherunto he answered, that the fellow confessed unto him, that he was going to have hid it under the ground, but could not have leasure at that tyme to enquire anie further of him. Wherunto his Majestie replyed, that there was great difference betuixt a deid and the intentioun of a deid; his intentioun to have hid it not being alike as if it had beene found alreadie hid. Mr Alexander's answere was, that he thought his Majestie over scrupulous in suche a mater tending so greatlie to his Majestie's profite; and that, if his Majestie differred to meddle with it, that it might be that the lord his brother, and other great men, might meddle with it, and make his Majestie the more adoe. Wherupon the king beginning to suspect that it had beene some forraine gold brought home by some Jesuits, or practising Papists, (therewith to stirre up some new seditioun, as they have oftin tymes done before,) enquired of the said Mr Alexander, what kinde of coine it was, and what a fellow he was that carried it? His answere was, that so farre as he could take leasure to see of them, that they seemed to be forraine, and uncouth strokes of coine; and although that

the fellow, both by his language and fashiouns, seemed to be a Scotish fellow, yitt he could never remember that he had seene him before.

"These speeches increased his Majestie's suspicioun that it was forraine coine, brought in by some practising Papists, and to be distributed in the countrie, as is before said; and that the fellow that caried it was some Scotish preest, or Seminarie, so disguised for the more sure transporting therof. Wherupon his Majestie resolved, that he would send backe with the said Mr Alexander a servant of his owne, with a warrant to the proveist and bailliffes of St Johnstoun, to receave both the fellow and the money off Mr Alexander's hand; and after they had examined the fellow, to reteane him and the treasure, till his Majestie's farther pleasure were knowne. Wherat the said Mr Alexander sturred mervelouslie, affirming and protesting, that if ather the lord his brother, or the bailliffes of the toun, were putt on the counsell therof, his Majestie would gett a verie bad compt made to him of that treasure; swearing, that the great love and affectioun he bare unto his Majestie had made him to preferre his Majestie in this cace, both to himself and his brother; for the which service he humblie craved that recompence, that his Majestie would take the paines once to ryde thither, that he might be the first seear therof himself; which being done, he would remitt to his Majestie's owne honourable discretioun how farre it would please his Majestie to consider upon him for that service. His Hienesse being strickin in great admiratioun, both of the uncouthnesse of the tale, and of the strange and stupide behaviour of the reporter, and the court being alreadie horsed, wondring at his Majestie's so long stay with that gentleman, the morning being so faire, the game alreadie found, and the huntsmen so long staying on the fields on his Majestie, he was forced to breake off, onlie with these words, that he could not now stay anie longer from his sport, but that he would consider of the mater, and at the end of his chasse give him a resolute answere what order he would take therin. Wherupon his Majestie parted in haste from him, toward the place where the game was.

Mr Alexander parting from his Majestie verie miscontent, that undelayedlie he raid not to St Johnstoun, as he desired him, protesting that his Majestie would not find everie day suche choice of hunting as he had offered unto him, and that he feared that his Majestie's long delay, and slownesse of resolutioun, would breed leasure to the fellow, who was lying bound, to cry, or make suche din as would disappoint the secrecie of that purpose, and make both the fellow and the treasure to be medled with, before anie word could come from his Majestie; as also, that his brother would misse him, in respect of his absence that morning, which, if his Majestie had pleased to haste, he might have prevented, arriving there in the tyme of his brother's and the whole toun's being at the sermoun, whereby his Majestie might have taikin suche secreit order with that mater as he pleased, before their out-comming from the Church. But his Majestie, without anie further answering of him, leaping on horsebacke, and ryding to the dogs, where they were beginning to hunt, the said Mr Alexander stayed still in that place where he left his Majestie. And having two men with him appointed by the late erle his brother, to carie backe unto him the certane newes, in all haste, of his Majestie's comming, as heerafter more particularlie sall in the same discourse be declared, he directed the one of them, called Andrew Hendersone, chamberlane to the said erle, to ryde in all haste to the erle, commanding him, as he loved his brother's honour, that he sould not spaire for spilling of his hors, and that he sould advertise the erle, that he hoped to move his Majestie to come thither; and that he sould not yitt looke for him the space of three houres therafter, becaus of his Majestie's hunting; adding these words, 'Pray my lord, my brother, to prepare the dinner for us.'

"But his Majestie was no sooner riddin up to a little hill, above the little wood where the dogs were layed on in hunting, but (that notwithstanding the pleasant beginning of the chasse) he could not stay from musing and woundering upon the newes. Wherupon (without making anie bodie acquainted with this purpose) finding Johne Nesmith, chirurgian, by chance ryding beside him, his Ma-

jestie directed him backe, to bring Mr Alexander with him, who being brought unto his Majestie, and having newlie directed, as said is, one of his men that was with him backe to my lord his brother, his Majestie, unknowing or suspecting that any man living had come with him, then told him that he had beene advising with himself; and in respect of his last words so earnest with him, he resolved to ryde thither for that earand, in his owne person, how soone the chasse was ended, which was alreadie begunne. Lykeas his Majestie, upon the verie ending of these words, did ryde away in the chasse, the said Mr Alexander ever following him at his backe, no other living being with his Hienesse but he, and Johne Hammilton of Grange, one of his Majestie's maister stablers, the rest of the court being all before in the chasse, his Majestie onlie being cast backe, upon the staying to speake with Mr Alexander, as is before said.

"The chasse lasted from seven houres in the morning untill ellevin and more, being one of the greatest and sorest chasses that ever his Majestie was at, all which tyme the said Mr Alexander was for the most part ever at his Majestie's backe, as said is. But there was never anie stoppe in the chasse, or so small a delay, that the said Mr Alexander omitted to round to his Majestie, earnestlie requeisting him to haste the end of the hunting, that he might ryde the sooner to St Johnstoun. So as, at the death of the bucke, his Majestie not staying upon the curie of the deir, as his use is, skarselie tooke tyme to alight, awaiting upon the comming of a fresh hors to ryde on, the greatnesse of the chasse having wearied his hors. But the said Mr Alexander would not suffer the king to stay in the parke where the bucke was killed, whill his fresh hors, which was alreadie sent for, was brought out of the equerie to him, (although it was not two flight shott of bounds betuixt the part where the bucke was killed, and his Majestie's equerie;) but with verie importunitie forced his Majestie to leape on again, upon that same hors that he had hunted all the day upon, his fresh hors being made to gallop a myle off the way to overtake him, his Majestie not staying so muche as upon his sword, nor whill the duke, and

the Erle of Marr, with diverse gentlemen in his companie, had changed their hors; onlie saying unto them, that he was to ryde to St Johnstoun to speake with the Erle of Gowrie, and that he would be presentlie backe again before even. Wherupon some of the court galloped backe to Falkland als fast as they could, to change their hors, and could not overtake his Majestie, untill he came within foure myle of St Johnstoun. Others raid fordward with their horses wearied as they were, wherof some were compelled to allight by the way; and if they had not both refreshed their horses, bled them, and given them some grasse by the way, they had not caried them to St Johnstoun. The cause of his Majestie's servants following so fast undesired by him, being onlie grounded upon a suspicioun they had conceaved of his Majestie's intentioun of ryding was for the apprehensioun of the Maister of Oliphant, one who had latelie done a vyle and proud oppressioun in Angus, for repairing of the which they thought that his Majestie had some purpose for his apprehensioun. But the said Mr Alexander seing the duke, and the Erle of Marr, with diverse others of the court, getting fresh horses for following of his Majestie, earnestlie desired him that he would publishe to his whole train, that since he was to returne the same evening, as is before said, they needed not to follow him; especiallie, that he thought it meetest, that his Majestie sould stay the duke and the Erle of Marr to follow him, and that he sould onlie take three or foure of his owne meane servants with him; affirming, that if anie noble man followed him, he could not answere for it, but that they would marre the whole purpose. Wherupon his Majestie halfe angrielie replyed, that he would not mistrust the duke, nor the Erle of Marr, in a greater purpose nor that, and that he could not understand what hinder anie man could make in that earand.

"But these last speeches of Mr Alexander's made the king to beginne to suspect what it could meane. Wherupon, manie diverse thoughts beganne to enter in the king's minde; but that his Majestie could never suspect anie harme to be intended against his Hienesse by that young gentleman, with whom his Majestie had

beene so weill acquainted, as he had not long before beene in sute, to be one of the gentlemen of his chamber. So as, the farthest that the king's suspicioun could reache to was, that it might be that the erle his brother had handled him so hardlie, that the young gentleman, being of a high spirit, had taikin suche displeasure, as he was become somwhat by himself; which his Majestie conjectured als weill by his raised and uncouth stairing, and continuall pensivenesse all the tyme of the hunting, as likewise, by suche strange sort of unlikelie discourses as is alreadie mentiouned. Wherupon his Majestie tooke occasioun to make the Duke of Lennox acquainted with the whole purpose, enquiring of him verie earnestlie what he knew of that young gentleman's nature, being his brother-in-law, and if he had ever perceaved him to be subject to anie high apprehensioun; his Majestie declaring his suspicioun plainlie to the said lord duke, that he thought him not weill settled in his witts; alwise desiring my lord duke not to faile to accompanie him in to that hous, where the alledged fellow and treasure was. The lord duke woundered muche at that purpose, and thought it verie unlikelie; yitt he affirmed, that he could never perceave anie suche appearance in that gentleman's inclinatioun. But Mr Alexander perceaving his Majestie's privie conference with the duke, and suspecting the purpose, (as it appeared,) came to the king, requeisting his Majestie verie earnestlie, that he sould make none living acquainted with that purpose, nor suffer none to goe with his Majestie where he sould convoy him, but himself onlie, untill his Majestie had once seene the fellow and the treasure. Wherunto his Majestie, halfe laughing, gave answere, that he was no good teller of money, and behoved therefore to have some to helpe him in that earand. His reply was, that he would suffer none to see it but his Majestie's self at the first, but afterward he might call in whom he pleased.

"These speeches did so encrease his Majestie's suspicioun, that then he beganne directlie to suspect some treasonable device: yitt manie suspiciouns and thoughts overwhelming everie one another in his minde, his Majestie could resolve upon no certane thing, but raid further on his journey, betuixt trust and distrust, being

ashamed to seeme to suspect, in respect of the cleannesse of his Majestie's owne conscience, except he had found some greater ground, the said Alexander still preassing the king to ryde faster, although his owne hors was skarselie able to keepe companie with the king for the wearinesse, having riddin with him all the chasse before. But as the king was come two myles from Falkland, the said Mr Alexander stayed a little behind the king in the way, and posted away the other servant, Andrew Ruthven, to the erle, his brother, advertising him, how farre the king was on his way to come thither. Then, how soone so ever the king came within a myle to the toun of St Johnstoun, he said to his Majestie, that he would post on before, to advertise the erle, his brother, of his Majestie's comming: who, at his incomming, was sitting at the midds of his denner, never seeming to take knowledge of the king's comming, whill his brother told it him, notwithstanding of his two servants advertising him therof before. And immediatlie upon his brother's report, rysing in haste from the board, and wairning all the servants and freinds to accompanie him to meete his Majestie, mett him to the number of three or foure score, at the end of the Inche, his Majestie's whole companie and traine not exceeding the number of sixteene persons, and all without anie kinde of armour, except swords, no, not so muche as daggers or whingers.

"His Majestie stayed an houre, after his comming to the said erle's loodging in St Johnstoun, before his dinner came in; the longsomnesse of the preparing of the same, and badnesse of the cheere being excused, upon the suddantie of his Majestie's comming unlooked for there, during the which tyme his Majestie enquired of Mr Alexander, when it was tyme to him to goe to that privat hous wherof he had informed him? Whose answere was, that all was sure eneugh, but that there was no haste yitt for an houre, whill his Majestie had dynned at leasure; praying his Majestie to leave him, and not to be seene to round with him before his brother, who, having missed him that morning, might therupon suspect what the mater could meane. Therefore his Majestie addressed

himself unto the erle, and discoursed with him upon sindrie purposes, but could gett no direct answere of him, but halfe words, and imperfyte sentences. His Majestie being sett doun to the dinner, the erle stood verie pensive, and with a dejected countenance, at the end of his Majestie's table, oft rounding over his shoulder, whiles to one of his servants, whiles to another, and often tymes went out and in to the chamber. Which forme of behaviour he likewise keeped before his Majestie's sitting down to dinner, but without anie welcomming of his Majestie, or anie other heartilie forme of interteanement; the noblemen and gentlemen of the court that were with his Majestie standing about the table, and not desyred to dyne, as use is, when his Majestie is once sett doun, and his first service brought up, untill the king's Majestie had almost dynned. At which tyme, the erle convoyed them furth to their dinner, but satt not doun with them himself, as the commoun forme is, but came backe, and stood silent at the end of the king's table, as of before; which his Majestie perceaving, did beginne to interteane the erle in a homelie maner, woundering that he had not remained to dyne with his ghuests, and interteane them there. In the meane tyme, his Majestie being readie to ryse from the table, and his whole servants being in the hall at their dinner, the said Mr Alexander standing behind his Majestie's backe, pulled quietlie upon him, rounding in his Majestie's eare, that it was tyme to goe, but that he would have faine beene quite of the erle, his brother; wishing the king to send him out to the hall, to interteane his ghuests. Wherupon, the king called for a drinke, and in a mirrie and homelie maner said to the erle, that although the erle had seene the fashioun of interteanement in other countreis, yitt he would teache him the Scotish fashioun, seing he was a Scotish man; and, therefore, since he had forgott to drinke to his Majestie, or sitt with his ghuests, and interteane them, his Majestie would drinke to him his owne welcome; desiring him to take it furth, and drinke to the rest of the companie, and in his Majestie's name to make them welcome.

"Wherupon, as he went furth, his Majestie did rise from the

table, and desired Mr Alexander to bring Sir Thomas Areskine with him; who desiring the king to goe fordward with him, and promising that he sould make anie one or two follow him that he pleased to call for, desired his Majestie to command publictlie, that none sould follow him. And thus the king, accompanied onlie with the said Mr Alexander, comes furth of the chamber, passing through the end of the hall where the noble men and his Majestie's servants were sitting at their dinner, up a turnepycke, and through three or foure high chambers, the said Mr Alexander ever locking behind him everie doore as he past, and then, with a more smyling countenance nor he had all the day before, ever saying, he had him sure and safe eneugh keeped; untill at last, his Majestie passing through three or foure sindrie houses, and all the doores locked behind him, his Majestie entered into a little studie, where his Majestie did see standing, with a verie abased countenance, not a bound man, but a free man, with a dagger at his girdle. But his Majestie had no sooner entered into that little studie, and Mr Alexander with him, but Mr Alexander locked to the studie doore behind him, and at that instant changing his countenance, putting his hatt on his head, and drawing the dagger from that other man's girdle, held the point of it to the king's breast, avowing now that the king behoved to be in his will, and used as he list; swearing manie bloodie oathes, that if the king cryed one word, or opened a window to look out, that dagger sould presentlie goe to his heart; affirming, that he was sure that now the king's conscience was burthenned, for the murthering of his father.

"His Majestie woundering at so suddan an alteratioun, and standing naiked, (without anie kinde of armour but his hunting horne, which he had not gottin leasure to lay from him,) betuixt these two tratours which had conspired his life, the said Mr Alexander standing, as said is, with a drawin dagger in his hand, and his sword at his side, but the other trembling and quaiking, rather like a condemned man, than an executioner of suche an interprise, his Majestie beganne then to dilate to the said Mr Alexander, how horrible a thing it was to him to meddle with his Majestie's inno-

cent blood, assuring him it would not be left unrevenged, since God had givin him childrein and good subjects; and if there were no more, God would raise up stockes and stones to punish so vile a deed: protesting before God, that he had no burthein in his conscience for the executioun of his father, both in respect that at the tyme of his father's executioun his Majestie was but a minor of age, and guided at that tyme by a factioun, which overruled both his Majestie and the rest of the countrie. As also, that whatsoever was done to his father, it was done by the ordinar course of law and justice; appealing the said Mr Alexander upon his conscience, how weill he at all tymes since had deserved at the hands of all his race, not onlie having restored them to all their lands and digniteis, but also in nourishing and upbringing of two or three of his sisters, as it were in his owne bosome, by a continuall attendance upon his Majestie's deerest bed fellow in her privie chamber: laying also before him the terrors of his conscience, especiallie that he made professioun, according to his educatioun, of the same religioun which his Majestie has ever professed. And namelie, his Majestie remembred him of that holie man, Mr Robert Rollock, whose scholler he was, assuring him that one day the said Mr Robert's soule would accuse him that he had never learned of him to practise suche unnaturall crueltie; his Majestie promising unto him, in the word of a prince, that if he would spaire his life, and suffer him to goe out again, he would never reveele to anie flesh living what was betuixt them at that tyme, nor never suffer him to incurre anie harme or punishment for the same.

"But his Majestie's feare was, that he could hope for no spairing at his hand, having suche crueltie in his lookes, and standing so irreverentlie covered with his hatt on, which forme of rigorous behaviour could prognosticat nothing to his Majestie but present extremitie. But at his Majestie's perswasive language, he appeared to be somwhat amazed, and discovering his head again, swore and protested, that his Majestie's life sould be safe, if he would behave himself quietlie, without making noise or crying; and that he would onlie bring in the erle his brother, to speeke with his Ma-

jestie. Wherupon his Majestie enquiring what the erle would doe with him, since (if his Majestie's life was safe, according to promise) they could gaine little in keeping suche a prisoner; his answere onlie was, that he could tell his Majestie no more, but that his life would be safe, incace he behaved himself quietlie; the rest the erle his brother, whom he was going for, would tell his Majestie at his comming. And with that, as he was going furth for his brother, as he affirmed, he turned him about unto the other man, saying these words unto him, 'I make you heere the king's keeper, untill I come backe again; and looke that yee keepe him, upon your owne perrell,'—and therewithall sayes to his Majestie, 'Ye must content your self to have this man now your keeper, untill my backe comming.' And with these words he passeth furth, locking the doore behind him, and leaving his Majestie with that man he found there before him. At whom his Majestie then enquired, if he was appointed to be the murtherer of him at that tyme, and how farre he was upon the counsell of that conspiracie? Whose answere, with a trembling and astonished voice and behaviour, was, that as the Lord sould judge him, he was never made acquainted with that purpose, but that he was putt in there perforce, and the doore locked behind him, a little space before his Majestie's comming; as, indeid, all the tyme of the said Mr Alexander's minassing his Majestie, he was ever tremblinglie requeisting him, for God's sake, and with manie other attestatiouns, not to meddle with his Majestie, or to doe him anie harme. But becaus Mr Alexander had, before his furth going, made the king to sweare that he sould not cry, nor opin anie of the windowes, his Majestie commanded the said fellow to opin the window with his hand, which he readilie did. So that, although he was putt in there to use violence over the king, yitt God so turned his heart at that tyme, as he became a slave to his prisoner.

"Whill his Majestie was in this dangerous estat, and none of his owne servants nor traine knowing in what part of the world he was in, as his Majestie's traine was arising in the hall from their dinner, the Erle of Gowrie being present with them, one of the

Erle of Gowrie's servants comes haistilie in, assuring the erle his master, that his Majestie was horsed, and away through the Inche. Which the erle reporting to the noblemen, and the rest of his Majestie's traine that was there, they all rush out together at the gate in great haste; and some of his Majestie's servants enquiring at the porter when his Majestie went furth, the porter affirmed, that the king was not yitt furth; wherupon the said erle looked verie angrielie upon him, and said, he was but a leear; yitt turning to the duke and the Erle of Marr, said, he would presentlie gett them sure word where his Majestie was; and with that, ranne through the closse, and up the staire. But his purpose, indeid, was to speeke with his brother, as appeared verie weill by the circumstance of the tyme, his brother having at that same instant left the king in the little studie, and runne doun the staire in great haste. Immediatelie therafter, the erle commeth backe, running again to the gate where the noble men and the rest were standing in amaze, assuring them that the king was out long since at the backe gate, and if they haisted not them all the sooner, they would not gett him overtaikin; and with that cryed for his hors.

"Wherupon they rush all together out at the gate, and make towards the Inche, crying all for their horses; passing all (as it was the providence of God) under one of the windowes of that studie wherin his Majestie was, to whom Mr Alexander verie speedilie returned; and at his incomming to his Majestie, casting his hands abroad in a desperat maner, said, he could not mend it; his Majestie behoved to dee; and with that, offered a garter to bind his Majestie's hands with, swearing, he behoved to be bound. His Majestie, at that word of binding, said, he was borne a free king, and sould dee a free king. Wherupon he gripping his Majestie by the wrest of the hand, to have bound him, his Majestie releeved himself suddanlie of his grippes; wherupon, as he putt his right hand to his sword, his Majestie with his right hand geazed upon both his hand and his sword, and with his left hand clasped him by the throat, lyke as he with his left hand clasped the king by the throat, with two or three of his fingers in his Majestie's mouth, to

have stayed him from crying. In this forme of wrestling, his Majestie perforce drew him to the window, which he had caused the other man before to opin unto him, and under the which was passing by at the same tyme the king's traine, and the Erle of Gowrie with them, as said is; and holding out the right side of his head and right elbow, cryed, that they were murthering him there in that treasonable forme. Whose voice being instantlie heard and knowne by the Duke of Lennox, the Erle of Marr, and the rest of his Majestie's traine there, but the said Erle of Gowrie ever asking what it meant, and never seeming anie wise to have seene his Majestie, or heard his voice, they all rushed in at the gate together, the duke and the Erle of Marr running about to come by that passage his Majestie came in at, but the Erle of Gowrie and his servants made them for another way up a quiet turnepycke, which was ever condemned before, and was onelie then left opin, as appeared, for that purpose.

"And in this meane tyme, his Majestie with strugling and wrastling with the said Mr Alexander, had brought him out perforce out of that studie, the doore wherof, for haste, he had left opin at his last incomming; and his Majestie having gottin with long struggling the said Mr Alexander's head under his arme, and himself on his knees, his Majestie did drive him backe perforce, hard to the doore of the same turnepycke. And as his Majestie was thrawing the sword out of his hand, thinking to have strikin him therewith, and then to have shott him over the staire, the other fellow standing behind the king's backe, and doing nothing but trembling all the tyme, Sir Johne Ramsay, not knowing what way first to enter, after he had heard the king's cry, by chance finds that turnepycke doore opin, and following it up to the head, enters in into the chamber, and finds his Majestie and Mr Alexander strugling in that forme, as is before said. And after he had twise or thrise strickin the said Mr Alexander with his dagger, the other man withdrew himself, his Majestie still keeping his grippes, and holding him closse to him. Immediatlie therafter, he tooke the said Mr Alexander by the shoulders, and shott him doun the

staire, who was no sooner shott out at the doore, but he was mett by Sir Thomas Areskine and Sir Hugh Hereis, who there upon the staire ended him, the said Sir Thomas Areskine being cast behind the duke and the Erle of Marr, that ranne about the other way, by the occasioun of his medling with the said late erle upon the street, after the hearing of his Majestie's cry; for upon the hearing therof, he had clasped the Erle of Gowrie by the gorget, and casting him under his feete, and wanting a dagger to have strickin him with, the said erle's men red the erle, their maister, out of his hands, whereby he was cast behind the rest, as said is; and missing the companie, and hearing the said Sir Johne Ramsaye's voice upon the turnepycke head, ranne up to the said chamber, and cryed upon the said Sir Hugh Hereis and another servant to follow him. Where meeting with the said Mr Alexander in the turnepycke, he ended him there, as said is, the said Mr Alexander onlie crying for his last words, 'Alace! I had not the wyte of it.'

"But no sooner could the saids Sir Thomas, Sir Hugh, and another servant, winne in to the chamber where his Majestie was, but that the said Erle of Gowrie, before they could gett the doore shutt, followed them in at the backe, having cast him directlie to come up that privie passage, as is before said; who at his first entrie, having a drawin sword in everie hand, and a steele bonnet on his head, accompanied with seven of his servants, and everie one of them having in like maner a drawne sword, cryed out with a great oath, that they sould all dee as tratours. All the which tyme, his Majestie was still in the chamber, who seing the Erle of Gowrie come in with his swords in his hands, sought for Mr Alexander's sword, which had fallin from him at his outshutting at the doore, having no sort of weapoun of his owne, as said is; but then was shott backe by his owne servants that were there into the little studie, and the doore shutt upon him. Who having putt his Majestie in safetie, re-encountered the said erle and his servants, his Majestie's servants being onlie in number foure, to witt, Sir Thomas Areskine, Sir Hugh Hereis, Sir Johne Ramsay, and one Wilson, a servant of James Areskine's, a brother of the said Sir

Thomas, the said erle having seven of his servants with him. Yitt it pleased God, after manie strokes on all hands, to give his Majestie's servants the victorie, the said Erle of Gowrie being strikin dead with a stroke through the heart, which the said Sir Johne Ramsay gave him, without once crying upon God, and the rest of his servants dung over the staire with manie hurts; as in like maner, the said Sir Thomas Areskine, Sir Hugh Hereis, and Sir Johne Ramsay, were all three hurt and wounded.

"But all the tyme of this fight, the Duke of Lennox, the Erle of Marr, and the rest of his Majestie's traine, were striking with great hammers at the utter doore whereby his Majestie past up to the chamber with the said Mr Alexander, which also he had locked in his by-comming with his Majestie to the chamber. But by reasoun of the strenth of the said double doore, the whole wall being likewise of boords, and yeelding with the strokes, it did byde them the space of half an houre and more, before they could gett it brokin, and have entreisse; who having mett with his Majestie, found, beyond their expectatioun, his Majestie delivered from so imminent a perrell, and the said late erle, the principall conspirator, lying dead at his Majestie's feete. Immediatlie therafter, his Majestie kneeling doun on his knees in the midds of his owne servants, and they all kneeling round about him, his Majestie out of his owne mouth thanked God of that miraculous deliverance and victorie, assuring himself, that God had preserved him from so desperat a perrell, for the perfytting of some greater worke behind, to his glorie, and for the procuring, by him, the weale of his people that God had committed to his charge.

"After this, the tumult of the toun, hearing of the slaughter of the said Erle of Gowrie, their proveist, and not knowing the maner therof, not being on the counsell of his treasonable attempt, continued for the space of two or three houres therafter; untill his Majestie, by oft speeking out to them at the windowes, and beakening unto them with his owne hand, pacifeing them, causing the bailliffes and the rest of the honest men of the toun to be brought into the chamber, to whom, having declared the whole forme of

that strange accident, he committed the hous and bodeis of the said tratours brethrein to their keeping, untill his Majestie's further pleasure were knowne. His Majestie having before his parting out of that toun, caused searche the said Erle of Gowrie's pockets, incace anie letters that might further the discoverie of that conspiracie might be found therin; but nothing was found in them, but a little closse parchement bag, full of magicall characters, and words of inchantment, wherin, it seemed, that he had putt his confidence, thinking himself never safe without them, and therefore, ever caried them about with him: being also observed, that whill they were upon him, his wound wherof he died bled not; but incontinent, after the taiking of them away, the blood gushed out in great abundance, to the great admiratioun of all the beholders: an infamie which hath followed and spotted the race of this hous for manie descents, as is notoriouslie knowne to the whole countrie.

"Thus the night was farre spent, being neere eight houres at evening, before his Majestie could, for the great tumult that was in the toun, depart out of the same. But before his Majestie had riddin foure myles out of the same, toward Falkland, although the night was verie darke and rainie, the whole way was cled with all sort of people both on hors and foote, meeting him with great joy and acclamatioun. The frequencie and concourse of persons of all degrees to Falkland the rest of the weeke, and to Edinburgh the nixt, from all the quarters of the countrie; the testimonie of the subjects' heartie affectioun and joy for his Majestie's deliverie, expressed everie where by ringing of bells, bonefires, shooting of gunnes of all sorts both by sea and land, &c., with all other things ensuing therupon, I have of sett purpose pretermitted, as weill knowne to all men, and impertinent to this discourse, contenting my self with this plaine and simple narratioun; adding onlie for explanatioun and confirmatioun therof, the depositiouns of certane persons who were ather actors and eye-witnesses, or immediat hearers of these things that they declare and testifie. Wherin if the reader sall find anie thing differing from this narratioun, ather in substance or circumstance, he may understand the same to be

uttered by the deponer in his owne behove, for obteaning of his Majestie's princelie grace and favour."

THANKSGIVING AT THE CROCE OF EDINBURGH FOR THE KING'S DELIVERIE.

This relatioun came not furth so full and in print, till a moneth after, that it was perceaved that manie did not beleeve the reports that were made by word, or by particular informatiouns in writt, which varied among themselves. When the brute of the fact came to Edinburgh, upon Wedinsday the sixth of August, by nyne houres in the morning, and a letter from the king to the counsell at ten houres, the ministers of Edinburgh were charged to compeere before the counsell. They compeere. The king's letter was read, bearing that the king was delivered out of danger, and that, therefore, the ministers sould be commanded to goe to the kirk, conveene the people, ring bells, and give praise to God. But before they could give their answere, the proveist and some of the counsell were sent for by the Lords and Secreit Counsell, and, therefore, were dismissed before they made answere. In the meane tyme, the ministers goe to the East Kirk, to advise. They find they could not enter in particular defence of the treasoun, seing the king made no mentioun of treasoun in his bill, and the reports of courteours varied among them selves. Whill they are thus consulting, cometh a macer, and chargeth them to compeere before the Lords of Secreit Counsell. They appoint Mr Robert Bruce to be their mouth. The Erle of Montrose, chancellor, desired them to goe to the kirk, to praise God for the king's miraculous deliverie from that vile treasoun. They answered all in one voice, they were not certan of the treasoun, and, therefore, could make no mentioun of it; but would say, in generall, that he was delivered from a great danger; or otherwise, if their lordships would give them leasure, till they get the certaintie, they sould not onlie blaze the treasoun, but also be content that his hous were made a jakes. The lords said, it sould be sufficient to read his Majestie's letter.

They answered, they could not reade his letter, and doubt of the truthe of it: it were better to say, generallie, "If the report be true." The Lords of Secreit Consell would not be content with "Ifs" and "Ands." In the meane tyme cometh in Mr David Lindsey, and sheweth that he had beene at Falkland, and telleth the historie of the fact. It was thought meete, in respect he heard the narratioun out of the king's owne mouth, that he, instead of the rest, sould give praise to God. The consent of the ministers was craved. Mr Robert Bruce answered, If he spake the truthe as he would be answerable to God, he was weill content. So Mr David Lindsey went with the Lords of Counsell to the mercat Croce of Edinburgh, and after he had made an harrangue for the purpose, the people, with discovered heads, praised God; the bells rang, the cannons of the castell were shott betweene three and foure after noone, and bonfires were sett out before everie hous that night. The ministers thought the counsell had beene satisfied; but they report hardlie of them to the king.

THE ERLE OF GOWRIE'S BRETHER ESCAPE APPREHENDING.

The same night, the sixt of August, the Maister of Orkney and Sir James Sandelands, with some horsemen, raid to Dirleton, to apprehend the Erle of Gowrie's two brethrein, William and Patrik Ruthven. But they were removed half an houre before, after advertisement made from court, by one Kennedie. The Countesse of Gowrie caried her self soberlie, till it was said, no evill sould betyde them, but onlie they sould be committed to the custodie of the Erle of Montrose, chancellor: then she burst furth in these words, "Ah, ah, false tratour, theefe! sall my barnes come in his hands?"

BONEFIRES.

This night, bonefires were sett out upon Arthure Seate, Fawside Hill, and all high places farre and neere, on this and the other side of the water.

Becaus manie doubted of the report that was made by the king and courteours, manie means were used to make good the report, with presumptiouns and testimonеis which were gathered out of the depositiouns of some persons which were examined. Upon the nynth of August, James Wemes of Bogie was sworne and examined, who depouned as followeth, at least as it is extant in print :—

> " Apud Falkland, 9 August 1600, in presence of the Lord Chanceller, Lord Treasurer, Lord Secretar, Lord Comptroller, Lord Advocat, the Lord Inchaffrey, and Sir George Hume of Spott, knight.

" James Wemes of Bogie, of the age of twentie-six yeeres or thereby, sworne and examined upon the forme and maner of behaviour of late Johne Erle of Gowrie, the tyme of his being with him at Strabran, or if he had heard the said erle make anie motioun of the treasoun intended against his Majestie ? Depons, that he nather heard nor saw anie appearance of anie suche intentioun in the said erle.

" Demanded, if he was in anie purpose with the said erle, anent anie maters of curiositie ? Depones, that at their being at Strabran, some of their companie found an edder ; which being killed, and knowledge therof comming to the erle, the erle said to this deponner, ' Bogy, if the adder had not beene slaine, yee sould have seene a good sport : for I sould have caused her stand still, and she sould not have preassed away, by pronouncing of a Hebrew word ;' which in Scotch is called ' Holinesse,' but the Hebrew word the deponner remembreth not of ; and that the erle said, he had putt the same in practise of before. And this deponner enquiring at the erle where he did gett the Hebrew word, the erle answered, In a cabalist of the Jewes, and that it was by traditioun. And the depouner inquiring what a cabalist meanned, the erle answered, It was some words which the Jewes had by traditioun, which words were spokin by God to Adam in Paradise, and, therefore, were of greater force and efficacie than anie words which were excogitated

since by propheits and apostles. The deponner enquiring, if there was no more requisite but the word, the erle answered, That a firme faith in God was requisite and necessar; and that this was no mater of mervell amongst schollers, but that all these things were naturall. And that the erle shew to this deponner, that he had spokin with a man in Italie: and, first, hearing by report, that he was a necromancer, and therafter being informed that he was a verie learned man, and a deepe theologue, he entered in further dealing with him, anent the curiositeis of nature.

"Depones further, that the said erle reported to him, that he being at the musick, he fell in companie with another man, who, stairing in the erle's face, spake to the rest of the companie things of him, which he could never atteane unto, nor be worthie of; and, therefore, that the said erle reproached him, and desired him to forbeare these speeches; and that he meet again with the said man in a like companie, who did begin with the same language which he had spokin of before, and that the erle said unto him, 'My freind, incace yee will not hold your peace from speeking lees of me, I will make you hold your peace, by speeking sooth of you,'—and said unto him, within suche a space, he sould be hanged for suche a cryme. And so it came to passe. The deponner inquiring of the erle who told him that? he answered mirrilie, that he spake it by gesse, and it fell out so. And that the erle said farther, it was nothing to make an herbe-flesh, that would dissolve in flees; and that likewise, it was possible that the seed of man and woman might be brought to perfectioun otherwise than by the matrix of the woman; and that this deponner counselled the erle to bewar with whom he did communicat suche speeches; who answered, that he would speeke them to none but to great schollers, and that he would not have spokin then to this deponner, if he had not knowen him to be a favourer of him, and a freind of his hous, and would not reveele the same again, seing he knew they would be evil interpreted amongst the commoun sort.

(*Sic subscribitur*) "J. Wemes of Bogie."

In the first proclamatioun after the slaughter, the armed man who sould have assisted Mr Alexander in the studie to slay the king was named Oliphant, and described to be a blacke grim man. But when that could not be made out, they named others; one Leslie, and sometimes Younger. This Younger, servitour to the Erle of Gowrie, was in Dundie when the fact was committed. When he heard that it was bruted he was the man, he addresseth himself to come to Falkland to the king, to purge himself, but was slaine by the way, by Captan Harie Bruce, now colonell, in a cornerig; and when he was brought to the croce of Falkland, Mr Patrik Galloway said to the king, "Now, sir, the man which sould have helped to have done the deid, he could not be gottin alive, but there he lyeth deid." And yitt, Mr Patrik, as was constantlie reported, moved Andrew Hendersone to take upon him, that he was the armed man who sould have assisted Mr Alexander. Certan it is, that Mr Patrik and he were familiar of old, becaus he being Gowrie's chamberlane, payed Mr Patrik a pensioun out of the abbacie of Skoone. His pensioun was doubled afterward by the king, whereby the suspicioun was confirmed; as also, by reasoun he was not a blacke grim man, as was described in the proclamatioun, but a man of lower stature, rudie countenance, and browne bearded, it was collected, that he could not be the man; yea, the king himself being demanded, the day after the fact, whill he was at the hunting, by * * * * Goodman of Pitmillie, whether Andrew Hendersone was the man? answered, that it was not he; he knew that smaike weill eneugh.

Upon the Sabboth day, the tenth, which was the Sabboth after the murther, there were seene in the loodging where the fact was committed, men opening and closing the windowes with great flaffing, comming to the windowes, looking over, and wringing their hands; and the day following, suche mourning heard, that the people about were terrified. Wherupon Mr Davidsone, in his Memorialls, hath this observatioun:—"*Ferunt, in ea domo qua cædes Caliguleæ peracta est, nullam jam inde noctem sine terrore transactam, quoad incendio consumpta sit.*"—*Sabellicus*, Tom. ii.; *Ænead.*, vii.

lib. 2. This Caligula slue his owne brother Geta, and would have made the senate beleeve that Geta would have slaine him. He desired Papinianus the Jurisconsult to make an apologie for him. Papinianus answered, "*Facilius est parricidium perpetrare, quam excusare;*" for which caus he was putt to death at Caligula his command.

Upon Moonday, the elleventh of August, the king boated at Clanesse, by east Bruntiland, about twelve houres, but landed not at Leith till betweene foure and five. It was marked that there was ebbing and flowing three tymes at that tyde; that the water betuixt Leith and Bruntiland was blackish; that the shippes in Leith haven were troubled with the swelling of the water.[1] A great noise of shott of cannon and hacquebutts [was] at his landing, as if he had beene new borne. The citicens of Edinburgh were attending upon him in their armes. Mr David Lindsey, minister at Leith, taketh him to the kirk, exhorteth him, after thanksgiving, to performe his vowes made before tymes for performance of justice; at which words he smyled, and talked with these that were about him, after his unreverent maner of behaviour at sermouns. Therafter, he went up to Edinburgh, and satt upon the Mercat Croce, clothed with tapestrie, accompanied with some of the nobilitie, where Mr Patrik Galloway made a sermoun to the people conveenned about the Croce, and the king an harangue, both tending to perswade the people that Gowrie and his brother had verilie conspired the king's death, and were slaine in the executioun of their enterprise. Mr Patrik Galloway's text was taikin out of the 124th Psalme. The substance of Mr Patrik's harangue or sermoun heere followeth:—

"David the king composed this Psalme, after that he had beene freid from the great danger of his deidlie enemeis. In it he does three things especiallie; setts doun his danger, his deliverie from the danger, and his thankfulnesse to God for his deliverie; and in

[1] A little before the accident, the sea being about low water, ranne up above the sea marke, higher than anie stream tide, through all the coast-side of Fife, and incontinent retired again to almost a low water.—*Note in the Original.*

suche sort, that almost all the three are included in everie verse. His danger was this, that he had fallin into the hands of men, and men onlie; naturall men that had not a spunke of grace, or of that spirit. And the thing that aggredges his danger is the properteis of these men, crueltie and craft, which became rather brute beasts nor men. Their crueltie is sett doun by two comparisouns tane from beasts; another tane from waters and floods proud and swelling, that with their force carie with them everie thing that is objected to their force. Their craft is sett doun by a similitude tane from the fouller, who, by his craft, overcomes the poore foule with his nett, and catches it. This is the danger David was in. Or I goe fordward, I observe a lessoun, and that for your Majestie's use. Sir, I see that this is not the first tyme that kings, good kings, even kings whom the Lord has chosin according to his owne heart, have fallin, by God's permissioun, into the hands of men, men cruell and craftie, and have beene delivered also from them. But whereto? Not to the end they sould live according to the fashioun of the world; but that they sould be new men, and shew their gratitude to God, as David did heerof, which we sall speeke heerafter. As for his deliverie, it was not from man, but from God; and, therefore, he openlie proclames, that except the Lord had beene with us, men had swallowed him up, according to the fashioun of beasts; and, therefore, takes him to God, which is his gratitude, and ascribes his deliverie whollie to him, whill he says, 'Our helpe is in the name of the Lord.'

"This, shortlie, concerning the danger that David was in; his deliverie, and thankefulnesse for his deliverie. The like caus we have in hand presentlie. Our king, our David, our anointed, has beene in danger deidlie, and is delivered, praised be God, for the which, both yee, and we, and he, have occasioun to be grate and thankfull to the Majestie of God, the deliverer. As to his danger, it is like David's: he fell in the hands of men, and men onlie. For as to that man, Gowrie, lett none thinke, that by this traterous fact of his, our religioun has receaved anie blott: for one of our religioun was he not, but a deepe dissimulat hypocrit, a profound

atheist, and an incarnat devill in the coat of an angell, as is most evident, both by his tratorous fact which he has attempted, and also by sindrie other things which we have receaved by his familiars and the most deere and neere of his freinds, and the bookes which he used, which prove him plainlie to have beene a studier of magick, and conjurer of devills, and to have had so manie at his command; his maner of living without the countrie, in hanting with Papists; yea, the Pope himself, with whom he had not conference onlie, but farther, has made covenants and bands with him, as appeares verie weill. For since his home-comming, he has travelled most earnestlie with the king, and his Majestie has receaved from him the hardest assault that ever he did; from him, I say, to revolt from religioun; at least, in inward sinceritie to interteane purpose with the Pope, and he himself promised to furnish intelligence. Was suche a man of the religioun? or can anie man say, that our religioun is stained by the doings of suche a man? No, not. He was nothing but a man, and our David's danger was, that he had fallin into the hands of men. Now, that yee may know the danger the better, I sall recite the historie to you, even as it was before my God, who one day sall be my judge, as he sall beare me record, and before my prince and soveran, and before you all, who one day sall stand up and beare witnesse against me, incace in anie point I lee.

"On Tuisday last was, Alexander Ruthven came to Falkland to his Majestie, and found him at his pastyme, and desired him to goe to St Johnstoun: and so he leads him from Falkland to Perth, as a most innocent lambe, from his palace to the slaughter-hous. There he getts his dinner, a cold dinner, yea, a verie cold dinner, as they knew who were there. After dinner, Alexander Ruthven leads his Majestie up a turnepycke, and through a trance, the doore whereof, so soone as they had entered in, checked to with a locke; then through a galrie, whose doore also checked to; through a chamber, and the doore therof checked to also; and, last of all, brings him to a rounde, skarse six foote braid, and six foote wyde; and the doore therof he locked also. In the which there was

standing an armed man, with a drawin dagger in his hand, to have done this filthie turne, the most unnaturall, and contrare that duetie we owe to princes. Then Alexander covereth his head, and sayes, 'I am sure, thyne heart accuseth thee now: thou was the death of my father; and heere is a dager, to be avenged upon thee for that death.' Now, judge yee, good people, what danger your David was in, when, as an innocent lambe, he was closed up betuixt two hungrie lyouns thirsting for his blood, and foure lockes betuixt him and his freinds and servants, sua that they might nather heare nor hearkin unto him.

"This was his danger. But what sort of deliverie gott he? It was whollie miraculous; altogether to be ascribed to God, and no part to man. And among manie that occurred, I sall point out unto you five or six circumstances, which yee will all call and acknowledge to be miraculous. And, first, his Majestie standing betuixt two armed men, without all kinde of armour, having nothing on but his hunting horne about his necke, when he, at his entrie, sould have beene astonished at the sight of an armed man to take his life, yitt, on the contrare part, this man was so astonished at his sight, that he might nather move foote nor hand. Was not this miraculous? But yitt farther; when Alexander had tane him by the gorgett, and had holdin the dager to his breast, not two inche from it, sua that there was skarse two inche betuixt his death and his life, yitt even then, by his gracious, Christian, and most loving words, he overcame the tratour. His words were these: 'Mr Alexander, consider that yee are a Christian, and, farther, that hitherto yee have beene trained up in the principles and grounds of Christianitie; and then, consider how yee were brought up in the schoole, which has sent furth manie noble and holie youths, the colledge of Edinburgh, under Mr Robert Rollock, that holie man, and most worthie of all good memorie, who could never have taught you to putt hand in your prince. And, last of all, Mr [Alexander,] suppose yee take my life, nather yee nor your brother will be king after me; yea, the subjects of Scotland will roote you out, and all your name.' The words so moved

the heart of the tratour, that he beganne to enter in conditiouns with the king, and made him sweare (which he also did) that all these things sould be forgott, and that after he sould ever be favourable to him and his brother. And so, he went furth to his brother, from whom he receaved commissioun to dispatche him haistilie. He then comming up again, brings a paire of silk garters in his hand; and after he had locked the doore, sayes, 'Tratour, thou must dee; and, therefore, lay thy hands together, that I may bind thee;'—to the intent, no doubt, that he being bound, they might have strangled him, and cast him in a cave or pitt, which they had prepared for that use, that no blood being found, his freinds might misse him without suspicioun, and not witt where to seeke him. Now, heere is the thrid miracle. The king answers the tratour, 'I was borne a free prince, I have lived hitherto a free prince, I sall never dee bound.' With this everie one of them grippe to others gorgetts, whill in wrestling, the king overcomes, and getts him under him. Now, is not this miraculous, will anie consider it? The Maister of Gowrie, an able young man, in comparisoun with the king, I am assured, had strenth double, yea, and threefold greater nor the king, and yitt is overcome and cast under. When they are thus wrestling, up comes Johne Ramsay by the blacke turnepycke, and, at the king's command, gives the maister a deid stroke. Now yitt a miracle. My lord being in the closse, when he heard that the maister was slaine, so he had bewitched the hearts of thir people of Perth, by the counterfooted vertues he had begunne to kythe amongst them, that if he had cryed, 'My brother is murthered!' that same people had sacked that same whole hous. But yitt, so the Lord directs by his providence, that he comes up the staire immediatlie, with eight with him. And marke how that same word, which they had prepared to be a word for the keeping closse of their knaverie, God used, to be a meane for preservatioun of the prince. For they had appointed this for their watcheword, 'The king is gone to the Inche;' which word his servants hearing, ranne about, to meete his Majestie in the Inche. And going by the window where the king and the

maister were wrestling, [they] heard the king's screiches and cryes, which have tane suche impressioun in their heart, that, so long as they live, will never goe out of them; and are heere sitting, to beare witnesse to it. The cry was, 'Treasoun! fy, helpe, Erle of Marr! I am murthered.' The king's servants hearing the cryes, incontinent came up this blacke turnepycke. Now, yitt a miracle. Into the chamber with the king are onlie foure; two lades and two men, and one of them mutilated. My lord, a man weill exercised in his armes, comes up, and eight with him, and at the first, calles[1] up all thir foure in a nuike, and never rests, whill Johne Ramsay chanced to cry, 'Fy upon thee, cruell tratour! has thou not done evill eneugh ellis; thou has gottin the king's life ellis, and would thou have ours?' At which speeches he drew a little backe, and, in backe going, he gott the stroke wherof he died.

"This is the verie truthe of the fact, which I have receaved, not by the king's Majestie, but by him who ould have beene the doer of the turne. He is living yitt, he is not slaine; a man weill eneugh knowne to this toun; Andrew Hendersone, chamberlane to my Lord of Gowrie. This day I receaved a letter from him, subscribed by his owne hand. Anie man that would see it, come to me, and see if they can know his hand writt, for their satisfactioun. The tenor of the letter is this:—

"'It is of truthe, that on Tuisday last, I was commanded by my Lord of Gowrie to ryde to his brother, to Falkland; frome the which he sent me backe again, to tell my lord that the king was comming, and to bid prepare for his comming. My lord commands me to putt on my secreit and my plaitt sleaves, and to await on the maister, and doe what ever he bade me. At the maister's lighting I went to him, and told him of my lord's command which I had receaved.' He takes me with him up a turnepycke, through a trance, a galrie, and a chamber, and lockes me into the round that goes off the chamber. At which doing I beganne to grow feared, and suspect some evill against the king; and then I tooke me to my knees, to pray, that it would please his Majestie, never

[1] Drives.

to suffer me be imployed to suche a turne. And whill I was sitting on my knees, Mr Alexander came with the king in his hand.'—The rest of his narratioun differeth almost nothing from this which yee have heard, according to the king's informatioun. This onlie he shewes, the maner how he has escaped to have beene thir's: When the king and the maister were wrestling, he opened the doore, and went doun by the blacke turnepycke, by the which the king's servants came up, and saved him.

"This is the veritie, which will satisfie anie good subject: for as for these rumours that goe, that the king was a doer and not a sufferer, a persuer and not a persued, it is not true nor likelie. For thinke yee, having suche a turne in his hand, he would goe to the toun in which he was so muche esteemed, accompanied with so few folkes, onlie ten persons; and suche men who, as I am assured, would have beene content to have bled their whole blood with my Lord of Gowrie, if it had not beene in an actioun against the king?—the duke, his good-brother, the Erle of Marr, his god-father, who, at that unhappie and accursed tyme he was baptized, gave him the name. As for suche as will not be satisfied with this, let them perish in their incredulitie. There are evidences enew of this veritie. Now, what am I that speeke these things? One, as I protest before God, who loved the Erle of Gowrie better than anie flesh in the earth except his Majestie."

After his harangue was ended, they sang the 124 psalme.

Mr Patrik Galloway his harangue did not perswade manie, partlie, becaus he was a flattering preacher, partlie, becaus others were named before Hendersone, to be the armed man in the studie, to witt, Oliphant, Leslie, and Younger who was slaine.

Upon Tuisday, the 12th of August, the ministers of Edinburgh were charged by a macer to compeere before the king and counsell. The king demanded at Mr Robert Bruce, in name of the rest, why they disobeyed him and his counsell, and would not praise God for his deliverie? They answered, they had not disobeyed, but were all readie to have praised God for his Majestie's deliverie generallie, as they did upon the Sabboth immediatlie

following; but they could not descend into particulars, to qualifie what sort of danger it was, in respect they had no certantie. "Had yee not my letter," sayes the king, "to shew you the certantie?" "Sir," said Mr Robert, "your letter did beare no particular, but made mentioun onlie of a danger in generall, and we were content to follow it." "Could not my counsell," said the king, "assure you of the particulars?" and with all, addresseth himself to the president: "Assured yee not them?" sayes he to the president. The president answered, "Yes, Sir, we all assured them of the certantie of the treasoun." "Sir, with their Honours' [permission,]" said Mr Robert, "they had receaved no informatioun, except David Moses' bill, and Johne Grahame of Balgonie his report, who came in the meane tyme when the lords were sitting at counsell. And the two reports did so fight against other, that no man could find anie certantie." The secretar riseth up, and said, they agreed verie weill. The president said the like. Mr Robert answered, he had David Moses' letter to show, which would testifie the contrare. The king asked, at last, "How are yee yitt perswaded? Yee have heard me, yee have heard my minister, yee have heard my counsell, yee haye heard the Erle of Marr tuiching the report of this treasoun: whether are yee yitt fullie perswaded or not?" "Surelie, Sir," sayes Mr Robert, "I would have farther light, before I preached it, to perswade the people. If I were but a privat subject, not a pastor, I could rest upon your Majestie's report, as others doe." Then the king asked Mr James Balfour, "Are yee fullie perswaded?" He answered, "I sall speeke nothing to the contrare, Sir." "But are yee not perswaded?" sayes the king. "Not yitt, Sir," said he. Mr William Watsone answered after the same manier. Mr Walter Balcalquall said, that he would affirme all that Mr David Lindsey preached in pulpit, in presence of his Majestie. "What said Mr David?" sayes the king. "Mr David founded himself," said he, "upon your Majestie's report, and made a faithfull rehearsall of your report; and so sall we." "Thinke yee," sayes the king, "that Mr David doubted of my report?" Mr David was sent for

incontinent. The king said unto him, "Are yee not certanelie perswaded of this treasoun?" "Yes, Sir," sayes he, "I am perswaded in conscience of it." "Now," sayes the king, "Mr Walter, are yee surelie perswaded indeid?" "Sir," sayes he, "I would have farther tyme and light." Then the king asked at Mr Johne Hall, "Are yee fullie perswaded?" He answered, "I would have the civill tryell going before, Sir, that I may be perswaded." Then the king asked at Mr Peter Hewatt, "Mr Peter, whether are yee yitt perswaded or not?" "Sir," sayes he, "I suspect not your proclamatioun." "But whether beleeve yee it or not?" sayes the king. "The president heard," said he, "what I said the last Sabboth." The president began to justifie him, but the king insisted, saying, "Lett me heare himself: whether beleeve yee my proclamatioun or not?" sayes the king. "Sir," sayes he, "I beleeve it."

So they were all removed; and after a great space, the macer cometh to them, with a roll in his hand, wherin all their names were writtin, and a score drawin upon Mr Peter and Mr George Robertson's name. Mr Peter and Mr George were not called in: the rest were called. The chanceller pronounces the sentence: First, they are discharged preaching, under paine of death, throughout all the king's dominiouns. Nixt, they were charged to remove out of Edinburgh within fortie-eight houres after the charge, and not to come neere Edinburgh by the space of ten myles, under paine of death. They thanked the Lord heartilie, and said, their sentence was verie welcome, and so departed out of the counsell hous.

Upon the day following, they gave in a new supplicatioun to the counsell, with commoun consent, wherin they offered three things: 1. To give God thanks for his Majestie's deliverance, most heartilie. 2. To make faithfull report, as his Majestie had delivered to them, of the whole historie tuiching that treason. 3. They offered to speeke nothing in the contrare, but to doe all the good offices which might serve to nourish his Majestie's credit and estimatioun in the hearts of the people. Everie man who saw it

thought their supplicatioun could not be refused; yitt was it refused, and answered upon the backe after this maner: 1. That they sould confesse a fault, and crave his Majestie's pardoun most humblie. 2. That they sould esteeme the historie of this treasoun an undoubted truthe, and publish it as an undoubted truthe to their flockes. They seing their bill refused, craved prorogatioun to their day, that they might have farther light, which was refused also. So, upon Thursday, in the morning, the 14th of August, they departed off the toun.

This occasioun was gripped at to overthrow the ministrie at Edinburgh, which crossed the court in all their evill proceedings, and was a terrour to the sessioun, nobilitie, and others of the land, to restraine them from impietie, injustice, and all wickednesse. Mr Robert Bruce, speciallie, was hated for his uprightnesse, and oppositioun to the episcopall course; for which caus he was never suffered to returne to Edinburgh again to this houre. So the king and counsell usurped the place and authoritie of the kirk, and deprived them of the exercise of the ministrie within the countrie, by their owne authoritie.

Muche labour was taikin to gett confirmatioun of the report which was made by witnesses, at least by presumptiouns grounded upon former evil practises, wherewith the erle was burthenned, that it might be thought the more probable. Mr William Rind, his pedagogue at the schooles, both at home and in Italie, was tortoured in the boots, where he gott * * chops, so that his legs were crushed, and he sorelie tormented. But they could never extort out of him anie privitie or knowledge of the fact. His depositioun, as it is extant in print, I have heere insert:—

> "Apud Falkland, 20 August, 1600.—In presence of the Lords Chanceller, Treasurer, Advocat, Comptroller, and Sir George Hume of Spott, Sir Robert Melvill, and Sir James Melvill, Knights.

"Mr William Rind sworne and examined, and demanded where

he first did see the characters which were found upon my lord, depons, that he having remained a space in Venice, at his returning to Padua, did find in my lord's pocket the characters which were found upon him at his death. And the deponner inquyring of my lord, where he had gottin them? my lord answered, that by chance he had copied them himself; and that the deponner knowes that the characters in Latine are my lord's owne hand writt, but he knowes not if the Hebrew characters were writtin by my lord. Depons further, that when my lord would change his cloths, the deponner would take the characters out of my lord's pocket, and would say to my lord, 'Wherefore serve these?' and my lord would answere, 'Can yee not lett them be? they doe you none evill.' And further, the deponner declairs, that some tymes my lord would forgett them untill he were out of his chamber, and would turne backe as he were in an anger, untill he had found, and putt them in his owne pocket. Depons further, that he was sindrie tymes purposed to have burnt the characters, were not he feared my lord's wrathe and anger, seing when the deponner would purposelie leave them some tyme out of my lord's pocket, my lord would be in suche an anger with the deponer, that for a certane space he would not speeke with him, nor could find his good countenance; and that to this deponer's opinioun, my lord would never be content to want the characters off himself, from the first tyme that the deponner did see them in Padua, to the houre of my lord's death. Being demanded for what caus my lord keeped the characters so weill, depons, that to his opinioun, it was for no good, becaus he heard that in these parts where my lord was, they would give sindrie folkes breeves. Depons further, that Mr Patrik Galloway did lett the deponer see the characters, since he came to this toun of Falkland, and that he knowes them to be the verie same characters which my lord had.

"Depons also, that upon Moonday, the fourth of August, the maister, Andrew Hendersone, and the deponner, remained in my lord's chamber untill about ten houres at even, and after a long conference betuixt my lord and the maister, my lord called for

Andrew Hendersone, and after some speeches with him, dismissed them. Denyes that he knew of the maister's or Andrew Henderson's ryding to Falkland. And after Andrewe's returne from Falkland, upon the morrow, howbeit he did see him booted, yitt he knew not that he was come from Falkland. Depons, that my lord being at dinner when the maister came in, the deponner heard my lord say to the maister, 'Is the king in the Inche?' and with that he did rise, and said, 'Lett us goe.' But the deponner knowes not what the maister said to my lord.

"Being demanded if he did see anie kinde of armour or weapouns, except swords, in the king's companie; depons, that he did see none.

"It being demanded how the deponner was satisfied with my lord's answere made to him concerning the king's comming to St Johnstoun, saying, that he knew not how he came; declairs, that he thought that my lord had dissembled with him, and that he behoved to have knowne it, seing his brother was come with his Majestie, before that he demanded of him, and that he had conferred with my lord privilie.

"Depons, that he knew not that the maister was riddin to Falkland, untill after his Majestie's comming to St Johnstoun, that Andrew Ruthven told him, becaus the deponer inquired at Andrew Ruthven, where the maister and he had beene? and that Andrew answered, they had beene in Falkland, and that the maister having spokin with the king, his Majestie came fordward with them; and that this conference betuixt the deponner and Andrew Ruthven was in the yaird, when my lord was there. And Andrew Ruthven show to the deponner, that Andrew Hendersone was directed by the maister to shew my lord that his Majestie was comming.

"Depons also, that, in his opiniqun, the maister could not have drawin the king to my lord's hous without my lord's knowledge; and that when he heard the tumult, he was resolved in his heart the maister had done his Majestie wrong; and that no true Chris-

tian can thinke otherwise, but that it was a high treasoun attempted against his Hienesse by the maister and the lord.

"Depons also, that to his opinioun, the king's whole companie was within a dossoun of men.

(*Sic subscribitur*) "Mr W. Rynd."

22d August 1600.

Mr William Rynd sworne and re-examined, if ever he heard the Erle of Gowrie utter his opinioun anent the duetie of a wise man in the executioun of an high interprise; declairs, that being out of the countrie, he has diverse tymes heard him reasoun in that mater; and that he was ever of that opinioun, that he was not a wise man, that having intended the executioun of a high and dangerous purpose, communicated the same to anie but to himself, becaus keeping it to himself, it could not be discovered nor disappointed: which the deponner declared before unrequired to the comptroller, and Mr William Cowper, minister at Perth. And hearing the depositiouns of Andrew Hendersone read, and being inquired upon his conscience, what he thought of the fact that was committed against his Majestie? declairs, that upon his salvation, he beleeves Andrew Henderson has declaired the circumstances truelie.

(*Sic subscribitur*) Mr W. Rynd.

"Apud Falkland, 20 Augusti, 1600.—In presence of the Lords Chanceller, Treasurer, Advocat, Comptroller, and Sir George Hume of Spott, Sir James Melvill, Knights.

"Andrew Hendersone sworne and examined, and demanded, what purpose was betuixt him and the Erle of Gowrie upon Monday at night, the 4th of this instant, in the said erle's chamber; depons, that the erle inquired of him what he would be doing upon the morrow? And he answering, that he was to ryde to Ruthven, the erle said to him, 'You must ryde to Falkland, with Mr Alex-

ander, my brother; and when he directs you backe, see that ye returne with all diligence, if he send a letter, or anie other advertisement with you.' Depons, that the maister directed him to send for Andrew Ruthven, to be in readinesse to ryde with them the morrow at foure houres in the morning.

"Declairs, that they comming to Falkland, about seven houres in the morning, the maister stayed in a loodging beside the palace, and directed the deponner to see what the king was doing. And the deponner finding his Majestie in the closse coming furth, he passed backe, and told the maister, who immediatlie addressed himself to his Hienesse, and spake with his Majestie a good space beneath the equerie. And after his Majestie was on horsebacke, the maister came to the deponner, and commands him to fetche their horses, and bade him haste him, as he loved my lord's honour and his, and advertise my lord, that his Majestie and he would be there incontinent, and that his Majestie would be quiett. And the deponer inquiring at the maister, if he sould goe presentlie, he did bid him leape on and follow him, and not goe away untill he had spokin with the king. And the maister having spokin with the king at a breache of the parke wall, he turned backe and bade the deponner ryde away.

"And the deponner making his returne in all possible haste to St Johnstoun, he found my lord in his chamber, about ten houres, who left the companie he was speaking with, and came to the deponner, and asked, Hath my brother sent a letter with you? The deponner answered, 'No, but they will be all here incontinent;' and bade the deponner desire my lord to caus prepare the dinner. Immediatlie therafter, my lord tooke the deponner to the cabinet, and asked at him how his Majestie tooke with the maister, his brother? The deponner answered, 'Verie weill;' and that his Majestie layed his hand over the maister's shoulder. Therafter, my lord inquired if there were manie at the hunting with the king? The deponner answered, that he tooke no heed, but they who were accustomed to ryde with his Majestie, and some English men were there; and that my lord inquired what speciall men were with

his Majestie, and that the deponner answered, he did see none but my lord duke. And within an houre therafter, when the deponner came in from his owne hous, the erle bade him putt on his secreit and plaitt sleeves, for he had an Hieland man to take; which the deponner did incontinent. And about twelve houres, when the deponner was going out to his owne hous to his dinner, the stewart came to him, and shew him that George Craigingelt was not weill, and was lyne doun; desired him to tarie, and take up my lord's dinner. And about halfe an houre after twelve, my lord commanded him to take up the first service. And when the deponner was commanded to take up the second service, the maister and William Blair came in to the hall to my lord. The deponner remembreth himself that Andrew Ruthven came before the maister a certane space, and spake with my lord quietlie at the table, but heard not the particular purpose that was amongst them. And so soone as the maister was come to the hall, my lord and the whole companie rose from the table; and the deponner hearing the noice of their furth going, suppouned they were going to the Mackbreakes for Mackildouy. And the deponner sent his boy for his gauntlett and his steele bonnet; and seing my lord passe to the Inche, and not to the Shoe Gate, the deponner did cast his gauntlett in the pantrie, and caused his boy take his steele bonnet to his owne hous, and he followed my lord to the Inche. And returning backe with his Majestie to the loodging, being directed to gett drinke, the maister came to the deponner, and did bid him caus Mr William Rynd send him up the key of the galrie chamber, who past up, and delivered the key to the maister; and immediatlie my lord followed up and did speeke with the maister, and came doun again, and directed Mr Thomas Cranstoun to the deponner, to come to his Lordship in his Majestie's chamber; and that my lord directed him to goe up to the galrie to his brother; and immediatlie my lord followed up, and commanded the deponner to byde there with his brother, and to doe anie thing that he bade him. The deponner enquired at the maister, 'What have yee to doe, Sir?' The maister answered, 'Yee must goe in here, and tarie till

I come backe; for I will take the key with me.' So he locked the deponner in the round within the chamber, and tooke the key with him.

"Shortlie therafter, the maister returned, and the king's Majestie with him to the said cabinet in the round; and the maister opening the doore, entered with the king into the said round; and at his verie entrie covering his head, pulled out the deponner's dager, and held the same to his Majestie's breast, saying, 'Remember you of my father's murther; ye sall now dee for it.' And minting to his Hienesse heart with the dager, the deponner threw the same out of the maister's hand, and swore, that as God sall judge his soule, if the maister had reteanned the dager in his hand the space that a man would goe six steppes, he would have stricken the king to the hilts with it. But wanting the dager, and the king's Majestie giving him a gentle answere, he said to the king's Majestie with abominable oaths, that if he would keepe silence, nothing sould aile him, if he would make suche promise to his brother as they sould crave of him. And the king's Majestie enquiring what promise they would crave, he answered, that he would bring his brother. So he goes furth, and locks the doore of the round upon his Majestie and the deponner, having first takin the king sworne that he sould not cry nor opin the window. And his Majestie enquiring at the deponner what he was, he answered, 'A servant of my lord's.' And his Majestie asking at the deponner if my lord would doe anie evill to him? the deponner answered, 'As God sall judge my soule, I sall dee first.' And the deponner preassing to opin the window, the maister entered, and said, 'Sir, there is no remedie; by God you must dee:' and having a loose garter in his hand, preassed to have bound his Majestie's hands. And the deponner pulled the garter out of Mr Alexander his hand; and then the maister did putt one of his hands in his Majestie's mouth, to have stayed him to speeke, and held his other arme about his Hienesse' necke; and that the deponner pulled the maister's hand from his Hienesse' mouth, and opened the window, and then his Majestie

cryed out therat. Wherupon his Hienesse' servant came in at the gate; and this deponner did runne and opin the doore of the turnepycke head, wherat Johne Ramsay entered; and the deponner stood in the chamber, untill he did see Johne Ramsay give the maister a stroke; and therafter, privilie convoyed himself doun the turnepycke to his owne hous; and the deponner's wife enquiring of him what the fray meanned? the deponner answered, that the king's Majestie would have beene twise sticked, were not he releeved him.

(*Sic subscribitur*) "ANDREW HENDERSONE,
"with my hand."

"Further, the said Andrew Hendersone depons, that after his returning from Falkland, upon the fyft of this instant, Mr Johne Muncreif inquiring of him where he had beene, he answered, that he had beene beyond the Bridge of Erne; and sayes, that he gave that answere to Mr Johne, becaus my lord commanded him to lett no man know that he was to ryde to Falkland; and that my lord's directioun to him was, to come backe with his brother Mr Alexander's answere, and to leave Andrew Ruthven to await upon the maister.

(*Sic subscribitur*) "ANDREW HENDERSONE,
"with my hand."

"Further, the said Andrew Hendersone depons, that when he had taikin the maister's hand out of the king's Majestie's mouth, and was opening the window, Mr Alexander said to him, 'Will thou not helpe? woe betide thee, thou will make us all dee!'

(*Sic subscribitur*) "ANDREW HENDERSON,
"with my hand."

The discourse and depositiouns abovewrittin, comming furth in print for satisfactioun of the people, ministred occasioun of censure and sifting, by weyghing the probabiliteis and likliehoods; and by

conferring the discourse and depositiouns with themselves, and with the harangues made by Mr Patrik, [Galloway,] and with other reports that went abroad.

It was thought strange that two youths, of so good educatioun and great expectatioun, sould, upon a suddane, fall to the extremitie of wickednesse and villanie. The erle was brought up under Mr Robert Rollock, and was deerelie beloved to him for his good behaviour, and the vertues which appeared to be in him. After the erle past his course, the maister succeeded in the same educatioun. The erle, soone after he came from the scholes, went to Italie, applyed himself to his studeis in Padua, wherin he profited so weill, that for the estimatioun they had of his learning, beside his vertues and good cariage, that he was made Rector, for a yeere, of the Universitie of Padua, where his name and armes are yitt to be seene. Returning homeward, he stayed in Geneva a quarter of a yeere, where he loodged in the hous of Mr Beza, who loved him so deerelie, that he never made nor heard mentioun of his death but with teares. Out of Geneve he sent a letter to his old maister, Mr Robert Rollock, wherin he gave tokins of his zeale to religioun, and shewed the great contentment he had in the fellowship with Beza and other learned men there. Mr Beza, within a yeere after the fact, wrote to his two exiled and distressed brethrein, William and Patrik, and offered them sure recept and harbour in Geneve, if it pleased them to accept of it.

It was thought strange that they sould invite the king to their owne hous, and there attempt anie thing against his life. For how could they be but comptable for the king, he comming within their gates, yea, and invited to come, as is alledged in the discourse?

The pretence of the invitatioun, to witt, to see a pott of gold, or forrane coine in gold, seemed not a device fitt to be propouned to the king in suche a maner, viz.: that he must come in persoun to see it; as if the king might not committ the credit of suche a mater to another.

How could the king suspect that it was forraine coine, brought

in by some practising Papists, to be distributed in the countrie, as is alledged in the discourse? Could suche a quantitie of gold, portable in a pott, or in a man's arme, disturbe the peace of the countrie?

If the king suspected that the fellow that caried was some Scotish preest or Seminarie disguised, why did the Latine editioun conceale that he was suspected to be a Scotish preest or Seminarie? It may be, the Papists would have said it was a lee.

If Mr Alexander was miscontent with the king's delay, and protested, he feared his Majestie's long delay, and slownesse of resolutioun, would breed leasure to the fellow, who was bound, to cry, or make suche din as would disappoint the secrecie of the purpose, might not the king, or anie man, have thought that the fellow had leasure eneugh to cry before the maister came to him? And sicklyke, when they came to Perth, if that was to be feared, why went they not directlie first to the fellow with the treasure?

If the king, in the way betweene Falkland and St Johnstoun, when Mr Alexander, after the king's conference with the duke, was so earnest that none sould be suffered to goe with the king to the place where the fellow was till he had seene him, beganne to suspect some treasonable device, why went the king fordward with suche a suspicioun, suppose never so light, for so fecklesse a mater?

If the erle was advertised that the king was comming to dinner, how could the erle goe to dinner before the king came; and why was there not better cheare prepared, if it had beene but to colour the interprise?

If the king suspected some treasonable device, how could he goe whether Mr Alexander would lead him, not staying upon Sir Thomas Areskine, whom he did call for, or some other; and how could his feare but increasse, perceaving Mr Alexander ever to locke the doores after them?

It was thought a foolish thing in Mr Alexander, and unlikelie, to hold the point of a dagger to the king's breast, and then stay upon parlee.

If the king had but his hunting horne about him, and Mr Alexander a sword, how could the king goe alone with him, suspecting anie treasonable device?

If Mr Alexander threatned the king with the dagger, what assurance had he that the king would behave himself quietlie, till he went out and brought his brother; or how could he rely upon an oath extorted through feare?

If the armed man in the studie, who sould have beene the executioner, trembled and quaked lyke a condemned man, how could Mr Alexander venture to leave him to be the king's keeper, till he came backe again?

It was thought strange that a man sould be imployed to be executiouner of suche a purpose, and not be made acquaint with it before, but to be putt in per force, not knowing to what end.

If Mr Alexander had a sword when he returned to the studie, it was thought a foolish thing to present a garter to bind the king, the mater requiring speedie executioun; and if he presented a dagger at the first tyme, his purpose had beene to shed blood, which could not but be marked; and, therefore, the report of strangling, and of a cave to putt him in, was thought to be more unlikelie.

It was thought a verie unfitt tyme to execut the interprise whill the king's traine was passing by under the window, and when they might have heard the noice.

It was thought strange, and unlikelie, that the king sould draw Mr Alexander, that was thrise as strong, to the window, bring him perforce out of the studie, and drive him backe perforce to the doore of the turnepycke. Mr P. Galloway, in his harangue, calleth this a miracle.

Manie wonder why Mr Alexander was not preserved alive, and brought to a tryall, if he was guiltie of anie suche interprise: for when Sir Thomas Areskine and Sir Hugh Hereis mett him in the staire, he had beene sore wounded by Sir Johne Ramsay, his sword not drawin, and having no dager in his hand. Might not suche a man, wounded, and in a maner unarmed, thrust and shott doun at

pleasure, easilie have beene taikin? The erle, likewise, after he was strickin, might have beene preserved alive.

If the armed man trembled and quaiked when Mr Alexander held the point of the dagger to the king's breast, how could Andrew Hendersone, who alledgeth he was the armed man, throw the dagger out of Mr Alexander's hand, being a strong man, and he trembling and quaiking?

If Hendersone threw the dagger out of the maister's hand, as he alledgeth in his depositioun, how could the maister trust him with the keeping of the king, till he returned again, as the discourse relateth?

Hendersone depouneth, that he pulled the maister's hand from the king's mouth, and openned the window, and the king cryed out. The discourse relateth, that the armed man openned the window before Mr Alexander returned again; and that the king drew Mr Alexander perforce to the window, which he had caused the other man perforce opin before; and the Latine discourse addeth, that he called upon some of the king's servants, if anie had beene in the streets.

Mr Galloway, in his harangue at the Croce, reported, that the armed man was standing with a drawin dagger in his hand to doe this filthie turne. The discourse relateth, that Mr Alexander drew the dagger from the man's girdle.

Mr Patrik, in his harangue, reported, that the maister locked the studie doore behind him, when he came last in. In the discourse, it is said that the maister, for haste, left the studie doore opin at his last incomming; and that, therefore, the king wrestling with Mr Alexander brought him perforce out of the studie, the doore being left opin by Mr Alexander.

Beside these considerationns rysing upon the conferring of the discourse, Henderson's depositioun, and Mr Patrik Gallowaye's harangue, there were others grounded upon certan reports, which follow:—

When it was told the king, after the erle's home-comming, that he raid up the calsey of Edinburgh with a great companie of his

freinds, the king, in a great anger, said, "There were more with his father when he was convoyed to the scaffold."

At the conventioun which was holdin shortlie after the erle's home-comming, the erle leaning upon the backe of the king's chaire, whill the king was at his breake-fast, the king entered in conference with him upon dogges and hawkes. In end, he asked at the erle, what would make a woman part with childe? The erle answered, Sindrie things, but speciallie if a woman with childe gett a fray. Then the king, after a scornefull laughter, said, "If that had beene true, my lord, I had not beene sitting heere." And so called to remembrance the slaughter of Seigneur Davie, wherat his goodshir was a cheefe actor.

When at the conventioun, he crossed the king's intentioun about the taxatioun, a courteour, (Sir David Murrey, now Lord of Skoone,) as is reported, said in the audience of sindrie, "Yonder is an unhappie man: they are but seeking occasioun of his death, which now he has givin."

When the king challenged the erle for looking doun upon Colonell Stewart, the man who apprehended his father, that was executed at Stirline, answered, "Sir, I sall never seeke him; but it is not seemelie he sould crosse my teeth."

Doctor Hereis being offended at Maistresse Beatrix, the erle's sister, one of the queen's dames, for laughing at his bowte[1] foote, taketh her by the hand, looketh upon her loofe, and said, "Maistresse, er it be long, a great disaster sall befall you."

Whill the erle was in Strabran, fyfteen dayes before the fact, the king wrote sindrie letters to the erle, desiring him to come and hunt with him in the wood of Falkland; which letters were found in my lord's pocket, at his death, as is reported, but were destroyed.

Two dayes before the slaughter, Mr William Ruthven, the erle's father-brother, was writtin for by the king to meete him at Perth, upon the fyft of August.

[1] Crooked, twisted.

The erle intended a journey to Lothian, upon the fyft of August, of purpose to intreate his mother to hold hous with him; but was stayed by Mr Alexander's going to Falkland, awaiting upon his returning. As also, he was looked for in Setoun about the same time, to come to see her, who was after Countesse of Angus, there being among them a purpose of matche.

The erle being at dinner when he heard the king was comming, and neare at hand, said, "What sorrow meaneth all this haste?"—was not weill pleased with himself, for the bad cheere was made; and excused himself to the king, that he looked not for him till lesse than an houre before he came.

The erle his cloake was bound about him with strings, when he went out to the Inche to meete the king; and sielyke, when he encountered with Sir Thomas Areskine, in tyme of the fray, and made him at the first unweildie.

The erle, in tyme of the fray, went up the quiett turnepycke, not alwayes condemned before, as was alledged, becaus his brother, Mr Alexander, was lying dead in it. None went up the staire with the erle, but onlie Mr Thomas Cranstoun; not seven or eight, as is alledged in the discourse, and Mr Patrik's harangue. Hugh Muncreif and Patrik Evet went up, after my lord was slaine, and were drivin backe by the king's servants. The erle's officer of Strabran, named Baron, drew a sword in the closse, but went not up the staire. Alexander Ruthven of Forgun went not within the gate, becaus he had nather sword nor whinger; nather yitt had he, when he drave Sir Thomas Areskine to the ground with the violence of a buffett, when he was in hands with the erle. But when he understood the erle was slaine, he came again, and cryed up, "Come doun, thou sonne of Seigneur Davie, thou has slaine an honester man nor thyself!" Yitt manie yeeres after, he gott the king's peace, and died in peace. George Craigingelt, lying evil at ease, came not till the deid was done. When he heard the noise, he rose and came to the closse, and cryed up with the rest of the toun there conveenned, "Give us our proveist, or the king's greene-coats sall pay for it!" It is reported that Henderson was

eating an eg in the kitchin, and when the fray riseth, went into the toun; and that his wife was heard cry, "Blessed be God, my husband was not amongst them!" Andrew Ruthven and George Dewar, the erle's cater, nather had nor drew weapouns. Mr Robert Oliphant was not in St Johnstoun at that tyme. Harie Younger was into Dundie. The erle's porter now serveth Lord Skoone, and Dogie is his notar.

When the maister was found dead, he had nather whinger nor dagger, and the rapper he had was so rousted in the skabert, that skarse two men could pull it out perforce.

The stricker of the erle is not weill knowne, for Mr Thomas Cranstoun was betwixt Sir Johne Ramsay and him; and one of them that viewed his bodie that night, perceaved by the entrie of the stroke or wound, that he was strickin behind his backe.

The Laird of Tullibardin, and a number of the surname of Murrey, were in St Johnstoun that day, at a briddell of one named George Murrey, whether of sett purpose, lett the reader judge; for the Murreyes of Stratherne, of the hous of Tullibairdin and Balwaird, have gottin his offices and lands lying in these parts divided among them: Tullibardin, the shirefship of Perth; Sir Mungo Murrey, his brother, the hous of Ruthven and lands belonging thereto; Sir David Murrey of the hous of Balvaird, the abbacie of Skoone, and now is proveist of St Johnstoun. The erle's greatnesse was a great eye-sore to the Murreys in these bounds, the hous of Abircarnie being excepted. It is reported, that Tullibardin came to the closse of the loodging, after the fact was committed, [and] danced for joy. But little caus has he to dance at this houre.

When it could not be made out that ather one called Leslie, or another called Gray, or a thrid called Oliphant, was the armed man in the studie, it was layed upon one, called Harie Younger, who was in Dundie when the fact was committed. As he was comming to Falkland, to make his purgatioun to the king, a commissioun was givin to Barney Lindsey, or one of Burlie's brethrein, to apprehend him. They being on the feilds, with

Henrie Bruce, now called Colonell Bruce, the poore man seing them, fled among the corne, to hide himself. Henrie Bruce finding him, thrust a rapper through him, and so slue him. He was brought to the Croce of Falkland. Then Mr Galloway, preaching before the king, said, "Thanke God, sir, the tratour that sould have slaine you could not be gottin quicke, but he was gottin dead." But als soone as it was tryed, and constantlie reported, that the man was in Dundie when the deid was done, it was layed upon Andrew Hendersone, the Erle of Gowrie's chamberlane, that he was the armed man that was in the studie, and that he convoyed himself privilie doun the staire, after Sir Johne Ramsay had strickin at Mr Alexander. But Sir Thomas Areskine and Dr Hugh Hereis, who came incontinent to the staire, and dispatched Mr Alexander, saw him not comming doun the staire, or out of the turnepycke, or anie other that we have yitt heard of; so invisible was he in that furie and tumult. He was not unknowne to the king himself before; and if he had, a wounder it is, that the king did not aske his name, when he was with him alone in the studie. But they behoved to gesse at sindrie names before they came to his. Mr Patrik Galloway, weill acquainted with him before, by reasoun of a pensioun which he had payed to him out of the Abbacie of Skoone, (doubled after, for his service at this tyme,) pleaded for him against everie man, that he ought not to suffer death, howbeit it stood to the king's credit that he sould make an opin confessioun upon the scaffold. When it was told Mr Patrik, that Mr Robert Bruce would not beleeve, unlesse Andrew Hendersone were putt to death, and tooke upon his conscience, at his death, that he was the alledged man in the studie, Mr Patrik said to the king, "Sir, nothing will satisfie yon man but the life of him who saved your life. Therefore, sir, yee sall first hang Andrew Hendersone for treasoun, and Mr Robert Bruce for not beleeving."

Upon Saturday the 23d of August, Mr Thomas Cranston, George Craigingelt, and Johne Baron, officer of Strabran, attendants upon the Erle of Gowrie, were hanged in St Johnstoun, for drawing swords in tyme of the tumult. Yitt confessed they nothing which

might smell of knowledge of anie conspiracie. Mr Thomas Cranston, brother to Sir Johne Cranston of that Ilk, exhorted the people to forbeare imprecations against themselves, for he had now found by experience, that they wanted not their owne effect. For he himself had used three kinde of imprecations, to witt, "God, nor a sword goe through me!" "I sall be tane for a tratour!" "God, nor I be hanged!" "I have beene taikin," said he, "for a tratour, but I thanke God, I am not one. I was stabbed through with a sword, at this last tumult; and now I am to be hanged." He conceaved a fervent prayer, at what tyme, in the midds of a cloudie darkenesse, glanced a suddane brightnesse, to the astonishment of the beholders.

Howbeit, for these considerationns above writtin, manie did not, nor doe not to this houre, beleeve the discourse of the conspiracie, and the depositiouns extant in print; yitt manie were not curious to examine or consider everie particular circumstance of the discourse and depositiouns, and were content to be ignorant, or to beleeve; others not inquiring so narrowlie as some did, for their owne satisfaction, suspended their owne judgement, till tyme of farther revelatioun of the truthe of the mater. Heere, we cannot but call to remembrance a Latine distiche, painted above the chimney brace in Ruthven, manie yeeres since, which followeth:—

"Vera diu latitant, sed longo temporis usu,
Emergunt tandem, quæ latuere diu."

It was appointed by the king and commissioners conveenned at Falkland, that the commissioners from the synods sould be directed to conveene, the secund of October nixtocum, as the letter following beareth, to agree upon a publict forme of thanksgiving for the king's deliverie, &c.

"To our trustie freinds, the Ministers of the Synod of Edinburgh; to be delivered to them by Mr David Lindsey, or the last Moderator.

"Trustie freinds, we greete you weill. The ministers of Edinburgh being discharged their preaching by us and our counsell, for their unnaturall and unduetifull behaviour toward us in this late danger, wherof it has pleased God miraculouslie to deliver us; we have, by advice of the same counsell, resolved that they sall never be restored again to their owne places, since, in that cace, we dread no lesse than the hazard of our life, and perrelling of our estat, as we have more particularlie declared to the commissioners, by whose advice their rowmes are declared to be vacant, that others may be provided thereto. Lyke as for the same effect, we, by advice of the same commissioners, have appointed a meeting at Edinburgh, upon the secund of October nixt, not onlie upon order taiking in that mater, but for consulting upon suche other things as sall be thought good to be propouned in name of the kirk, for the weale of our and their estat, at our nixt parliament, appointed the first day of November nixt. And, therefore, have thought good to will and desire you, to direct two of the wisest and best affected of your number, to keepe the said dyet, and instructed sufficientlie to give their advice and concurrence with the saids commissioners in the premisses, as yee will testifie your duetifull affectioun toward us, and the quietnesse of our and your estat. And in respect of our so happie deliverance upon a Tuisday, we have by advice foresaid appointed, that everie Tuisday heerafter sall be a day of ordinarie preaching, within everie burgh within the bounds of the synods: And, in like maner, commanded by our publict proclamatioun, that the last day of September nixt, and the Sunday nixt therafter be keeped solemnlie, for giving thankes to God for our deliverie of suche an evident danger; which we have thought meete also to intimat unto you by this our particular letter, beside our

proclamatioun, that yee pretend no ignorance. And so we committ you to God.

"JAMES R.

"From Stirline, the 24th of August 1600.

"Lett your synod be conveenned the thrid Tuisday of September nixt, for directing of commissioners to the effect foresaid."

THE APPLICATION OF THE 30TH PSALME, PREACHED BY MR P. GALLOWAY, THE LAST OF AUGUST 1600, BEFORE HIS MAJESTIE IN GLASGOW.

"Now, I sould end, if I had not to lett you see, in the applicatioun of this Psalme, that as David and his people had their just occasioun to praise God, so, our David and we have now just occasioun to praise God. David then in danger; our David has now beene in danger. David then delivered in the high mercie of God; our David now delivered in the high mercie of God. Now, the Lord of heaven that is present with us, as he has givin us prooffe of the one, so mott he give us the prooffe of the other, that we may be thankefull for this great grace. For, concerning the danger, David was never in greater danger nor our David; his deliverance never more magnificent than the deliverie of our David. And, therefore, we have als just occasioun as ever David had to praise God.

"Take tent, then. I thinke there is heere no small number that never has heard the danger wherin the king's Majestie has beene; or if they have heard, they have heard a poysouned untruthe. Therefore, to cleere the truthe, I will show you the historie truelie. His Majestie, by the perswasioun of the Maister of Gowrie, was led from his pastyme to St Johnstoun; (take tent that yee may eshew false informatioun.) When he comes there and enters in my lord's loodging, after a cold dinner, and a farre colder welcome, his Majestie is tane by the hand, by the Maister of Gowrie, and led up a staire, three or foure doores all locked on his backe, nather

freind nor servant with him; and there is sitting a man, prepared to joine with the other, for the treasonable murthering of his Majestie. When he is sett betuixt these two, the Maister of Gowrie, a vile tratour, no sooner comes the king in, but to testifie that all reverence of a Christian to his God, and of a subject to his prince, was tramped under foot, he putts on his hatt, drawes his dagger, and sayes, 'I sall now be avenged on thee for my father's slaughter.' But the Lord stayed the dagger that he dought[1] not strike with it. When the ire of the tratour was something mitigated by the king's modest language, he goes out, leaving the other man to keepe him, apparentlie to gett farther resolution of his brother. Again he comes in as a wood[2] lyoun, and enters upon his Majestie, with his garter, to bind him. Noble men and citicens of St Johnstoun heard his Majestie cry, 'Treasoun! I am murthered!' as the voice of a halfe-dead man. Lett vile knaves say through the countrie what they will, this is truthe.

"I know weill there are manie surmises of the people cast in with all, to breed an evill conceate of the king's Majestie in the hearts of the people. I will tell part of them. This is one. How can it be, suche a nobleman as the Erle of Gowrie, so weill brought up, could have fostered suche a treasoun? This would appeare to carie some thing with it; but in verie deed, careis no probabilitie. If the erle had biddin still in Scotland, and keeped that educatioun which he gott under that worthy man, Mr Robert Rollock, he might perchance not have attempted suche a treasoun. But when he went to Padua, there he studied to necromancie. His owne pedagogue, Mr William Rynd, testifeis, that he had these characters ay upon him, which he loved so, that if he had forgott to putt them in his breekes, he would runne up and doun like a mad man; and he had them upon him when he was slaine. And as they testifie that saw it, he could not bleed, so long as they were upon him. He that this way casteth off all reverence to his God, what reverence can he have to an earthlie king?

"Another questioun, I know, will be moved. Some will say,

[1] Durst. [2] Wild, savage.

'Sall we trow, that he could have devised his alone suche a treasoun? Could he have enterprised suche a worke without a backe?' I doubt not but he had a backe: The Lord discover it; and I am assured he sall at last discover it. And as I have said before to your Majestie, I say yitt, and yee try it not out, yee sall yitt some day make us all a sorrowfull morning. If yee rype not up the fountaine therof, it is a manifest tempting of God; and I exhort your Majestie and counsell to doe it, as yee will answere to God, before whom they sall be compted tratours one day, if they keepe up the least chop of it which they can try out. But to meete the questioun, It is no mervell, suppose it be hid; for the Erle of Gowrie was a man of exceeding great secrecie: there was not a man he would reveele it unto. His owne pedagogue, Mr William Rynd, said, that the erle, talking of treasoun against princes, said, that if the right hand wist what the left hand was doing, he was not to be compted a man. And, therefore, I trow indeid, there was none upon the foreknowledge of the executioun, but the erle and his brother, and the devill, that led them both.

"I know there will be a thrid questioun: Is there none that can beare witnesse to it? God forgive them that say, 'The king is a partie; he can not be beleeved.' And thou were a good Christian, thou would rise up and say, 'I am a partie; and the king, that never has been a leear, sould be beleeved himself, and not suche suspicious surmises spread abroad.' But I goe on. There was there, noblemen, his Majestie's servants, and citicens of St Johnstoun, who saw his Majestie caried there, without anie weapoun but his hunting horne about his craig, foure doores all locked upon him: my lord duke, the Erle of Marr, bailliffes, and burgesses, saw his hands in the king's face and throat. If they will not beleeve them, whom will they beleeve? Fy upon incredulous and malicious hearts! I say more, for the truthe. Andrew Hendersone, a man to that houre approved good and zealous, and without spott all the dayes of his life, this man perforce is putt in the rowme, without anie foreknowledge. This man yett liveth; everie man has accesse unto him: this man, as before he was made by God an in-

strument to save the king, so now, he is made an instrument of the king's honour, to tell the truthe. I must speare heere, becaus some say, 'Whill we see him dee on the scaffold for it, we will never beleeve it.' Fy on it! that his Majestie sould execute him that saved his life, for their pleasure. I must say in my conscience, that man is rather worthie of reward nor of punishment; and I trow, not a man that feares God, but he will consent to it, but he was putt in by the providence of God, to be an instrument of your deliverance.

"Now, as yee have heard the danger, take tent also how he was delivered. As David said, 'Lord, thou has exalted, and not made my foes to rejoice over me;' justlie may your Majestie say, 'I was in deidlie danger, and thou, Lord, has looked on me.' When I consider his Majestie's deliverance, I may say, there was not a circumstance of that actioun, but everie one was a wonderfull preservatioun. First, when the Erle of Gowrie and his brother tooke that man, and putt him in, and said to him simplie, 'Doe what my brother commands thee,' they thought he sould have putt to his hand to doe the turne. But God comes doun from heaven and altereth the man. No sooner comes the king in, but he cryes, 'Alace! alace! woe is me!' Is not this a great worke of God? He that sould have slaine his Majestie is made an instrument of his safetie; and when the Maister of Gowrie is bringing doun to slay his Majestie, he withholds his hand. Thridlie, when the maister, of a cruell tiger is made as it were a dove, saying, 'I will promise you your life, Sir, if ye will hold your tongue;' fy, tratour! what had he to doe with his Majestie's life? But he is mitigated by the king's modest words. 'Yee and I came in under freindship: yee are a Christian, brought up under that good man, Mr Robert Rollock: why would yee putt hands in your prince?' With this he goes out, and shortlie comes in again; and as a tiger, enters upon his Majestie. This is a mervell. He was farre beyond the king in strenth, and yitt, the living God so strenthenned his Majestie, that he gott him under his feete. And last, when the Erle of Gowrie caused cry, 'The king is away,' they, running out to

follow his Majestie, heare his voice again. When the erle and seven men comes in against foure, he himself is slaine by these foure, and the rest of his companie hurt, and putt to flight: yea, had Gowrie biddin still on the calsay, and said, that 'Tratours about the king had slaine my brother,' all the men of St Johnstoun had rushed in with him. But the Lord wrought otherwise. And, therefore, as David said, so sould your Majestie say, 'O Lord, I will magnifie thee, becaus thou has exalted me.'

"Now, becaus it is said, as falselie as the sunne shineth not, that the king went to St Johnstoun, to slay the Erle of Gowrie, (suche is the spirits of malicious hearts,) I would now have you, indifferent people, (when the Maister of Gowrie comes to Falkland, and moves him to come to Perth, I thinke, not threttein in his companie,) judge if he would have come to St Johnstoun, which was Gowrie's Londoun, there to have slaine him. Again, if he would have brought my lord duke, the erle's good-brother, and the Erle of Marr, his god-father, with him, if he had beene minded to slay him. Judge last of this: when his Majestie is led by the Maister of Gowrie, and separated from all his folks, putt in a little round, having no thing but his hunting-horne about him, lett indifferent people judge heere, whether his Majestie could have beene minded to slay the Erle of Gowrie or not.

"Now, when I have shewed you the danger and divine deliverance, see whether our David sould not say, 'I will magnifie thee, O Lord, becaus thou has exalted me?' Where he sayes, 'Sancts, sing praises for me,' see if we have not just occasioun to praise God, for the deliverance of our David. For woefull had beene the estat of Scotland, yea, woefull darknesse, if the Lord had not wrought this deliverance. The Lord give your Majestie a thankfull heart, and to us, your subjects, thankful hearts for your deliverance."

In this harangue, Mr Patrik sayeth, that Mr Alexander Ruthven drew his dagger; which would seeme to be his owne dagger, and not the armed man's, standing in the studie, as is related in the discourse. But it is certane, Mr Alexander had no dagger. But, leaving this speeche as ambiguous, it is to be considered nixt, that

Mr Patrik doubteth not, but he had had a backe to the interprise; and prayeth the Lord to discover it, exhorteth the king and counsell to try out the fountaine of it. And yitt, forgetting himself, he sayeth immediatlie after, that the erle was a man of exceeding great secrecie, and that there was no man to whom he would reveele it; and that he beleeved there was none upon the foreknowledge of the executioun but the erle his brother and the devill. The circumstances that are most unlikelie, Mr Patrik turnes all into miracles. But there is need of a true and seene miracle indeid, to make unseene miracles to be beleeved.

When the king came to Glasgow, there was an oratioun made to him by one in name of the toun, congratulating for the deliverie out of the late danger, with a commemoration of their service to him and his progenitors.

The synods conveenned the beginning of September, as was appointed by the king and commissioners. The synod of Fife conveenned in Dumfermline, where Mr James Melvill was moderator. After the Assemblie was dissolved, he went to the king, then resident at Falkland, and presented to him the forme of thanksgiving agreed unto by the synod. Upon this occasioun he made sute for his collegue, Mr Johne Dykes; obteaned afterward his libertie to exercise his ministrie. Mr Johne made some sonets against the Erle of Gowrie and his brother, which Mr James presented to the king, in November following; wherupon the king accepted him in favour, after a yeere's trouble, for some propositiouns which he had drawin out of *Basilicon Doron*, and published; the booke it self not yitt published, howbeit some few copeis were printed. Mr James, after he had obteaned his sute for his brother-in-law and collegue, Mr Johne Dykes, would have absteaned from all meeting with the commissioners, but was desired by some of the ministers of Edinburgh to continue after the old maner.

Upon Thursday, the fyft of September, the ministers of Edinburgh were charged at the Croce of Edinburgh to compeere before the king and his counsell in Stirline: Mr William Watsone, upon Tuisday the nynth; Mr Johne Hall and Mr Walter Balcalquall,

upon Wedinsday the tenth; Mr Robert Bruce and Mr James Balfour, upon Thursday the elleventh, to heare further punishment decerned, and that for their obstinat blindnesse, as they called it, and perswading others to doubt, in the parts where they came. Mr William Watsone was commanded to enter in waird. But the day following, after his humble supplicatioun givin in, shewing that he was resolved, [he] was sett at libertie, and was appointed to publish his resolutioun, in so manie kirks as were appointed to him. Mr Walter and Mr Johne Hall were appointed to doe the like, becaus they professed they were resolved.

When Mr Robert compeered, the chanceller caused him hold up his hand and sweare to speeke the truthe. First, he asked in what parts of the countrie he had beene, and who were in companie with him? Then he asked, if he was resolved tuiching the last treasoun or not? He answered, "I am in the way of resolutioun, but not fullie resolved." "What moveth you," said the king, "more than the rest of your brethrein? They say, they are fullie resolved. Mr Johne Hall sayes, he is more than resolved. Mr Walter sayes, he was sicke when the word came first; but when he travelled in Fife he became resolved. Mr William Watsone gave in his supplicatioun, professing he was resolved. Mr James Balfour is even now gone furth, and he said siclyke, that he is resolved. Mr Robert, yee were but their mouth: why sould yee speeke otherwise nor the bodie bidds you?" "Sir," said Mr Robert, "I was their mouth indeid, chosin by them, and the actioun sanctified by prayer, and what ever I spake to the counsell, I had their vote thereto; and I am perswaded, Sir, they are not fullie resolved yitt." Then sayes the king, "They speeke one thing to you, and another thing to me." "I will not say that, Sir," said he, "but I sall speeke the truthe." "If yee please," said the king, "I sall caus them come in before you, and say, they are fullie resolved." Mr Robert, perceaving that it was the king's drift to sett them by the eares, answered, "Weill, Sir, lett them live in their owne faith; I must live in myne: so farre as I know, I sall preache, and further I will not promise. Two things moved me to enter in the

way of resolutioun: 1. The depositioun of George Craigingelt, as I heard. I bechance mett by the way, yesterday, comming to this toun, a young man of Edinburgh, called Robert Ker. He telleth me that he was in St Johnstoun, at the executioun of George Craigingelt, and was upon the scaffold, together with James Kinneir, clerk to our sessioun, and Robert Areskine, tailyeour; and that they heard George Craigingelt say, that he would never have beleeved that my lord, his maister, had anie intresse into that mater, were not, after that he had gone into the loodging, and found the two corps lying, he tooke first up my lord's corps, and then the maister's, and layed them together: (then his speeche was interrupted a long tyme, when he remembred upon my lord.) After this, he went to Andrew Henderson's hous, where he and Andrew lamented together; where he asked at him if he knew whether my lord had anie intresse, and Andrew, as he sayeth, answered, that my lord, himself, caused him goe up to the galrie chamber, and putt him in the rowme; and he was dressing the desert, when he saw Andrew going up the staire, not knowing what the mater meant. If this be trew, sir, that George depouneth, in respect he died so weill, I will rest upon his testimonie for one. And the same day I have writtin to James Kinneir, our clerk, and to Robert Areskine, that they may testifie, whether they heard suche words or not; so, sir, I am als diligent as I can. Nixt, sir, if this Andrew Hendersone dee with that confessioun, I will be satisfied for my owne part."

Heere the comptroller interrupted him, saying, "Will yee trow a condemned man better nor the king and his cõunsell?" "My lord," said he, "if he dee penitentlie, I will trust him: fra tyme that God receave the soule, I thinke, we may receave the testimonie: I saw Ramsay, the false notar, dee verie penitentlie." "He saved the king's life," said the comptroller. "As to that," said he, "I can not tell; but if it were for no more but onlie this, that he employed not the whinger, that he threw out of the maister's hand, upon the maister himself, I say justlie he ought to dee: for, I say, he sould have strickin the tratour, and not have folded it

up in his cloake." "Indeid," quoth the king, "I know not whether he folded it up or not." "Then," said the comptroller, "what if he goe backe from the thing that he has depouned?" "I tell you, my lord," said Mr Robert, "his testimonie is the worse." "Therefore," sayeth the comptroller, "it were better to keepe him alive." "Nay, my lord, yee sould prefer the king's honour to his life," sayes Mr Robert; "for it will serve greatlie to his honour, if he dee penitentlie."

"Then," said the king, "I see yee will not trust me, nor the noblemen that were with me, except yee try me." "Sir," said Mr Robert, "will can not be constrained: I may weill lee unto you with my mouth, but I can not trust but after tryell." "I see, Mr Robert, that yee would make me a murtherer," said the king: "it is knowne verie weill that I was never blood thristie. If I would have taikin their lives, I had causes enew; I needed not to hazard my self so." "Surelie, sir," said Mr Robert, "I will not make you a murtherer; yea, sir, suppose I knew it were so, I will nather withdraw my affectioun nor obedience from your service. I would onlie preasse to draw you to repentance, in respect yee are not subject to our punitioun." Then the Erle of Marr said, "I mervell that yee will not trust men that saw his hand in his throat, and heard the king cry." "My lord," said Mr Robert, "if yee were there to heare and see, yee may the more easilie credit." Then the Pryour of Blantyre, Mr Edward Bruce, and all start up, saying, "Why stand yee in a thing so cleere?" "Becaus," sayes Mr Robert, "I will not have you looke for more of me than I professe to know. I gott never tyme to try: I never heard my Lord of Marr nor the duke speeke out of their owne mouths of that subject; nor have I libertie to goe to Edinburgh or to St Johnstoun; so I can not gett full resolutioun." "Then," sayes the king, "this is your meaning: yee are but in the way; yee are not yitt fullie resolved." "Yes, sir," said he; "I am in the way, if these things try true." But the informatiouns he had gottin were not true; and, therefore, the king and counsell knew they were but a sandie foundation for them to build upon.

So, Mr Robert was dimissed, as he thought, with a verie loving countenance, but was not called in again. The macer, Archibald Dowglas, cometh furth, and chargeth him to enter in waird, in the place of Airth, and to remaine there till the eight day of October; and therafter to passe off the countrie, and not to returne to England or Scotland, without his Majestie's licence. Mr Edward Bruce was instant with the counsell, for a licence to Mr Robert to depart, if the king would have him off the countrie; but the king would have him banished, that his living might fall. He would also have had him in another waird; but the treasurer said, he behoved to prepare himself, before he went off the countrie.

Mr Robert, in a letter writtin to his wife, after he hath sett doun the whole proceeding, concludeth after this manner:—"If we had spokin all one thing, I had not beene in this cace. And yitt I would not be in their cace, for all the benefite they have gottin; for the court giveth it out, that they are sent to make their repentance, eache one of them in so manie kirks. And, indeid, the act beareth that they sall confesse their errour and incredulitie, and show they are fullie resolved. So, he maketh a triumphe and spectacle of their ministrie. Mr William Watsone shew me that he repented from his heart, that he entered not in waird. Mr Peter Hewat shewed unto me, that he requeisted Mr Patrik Galloway verie earnestlie to stay ountill the day of my compeerance, and helpe me as he had done the rest. But he would not stay one houre, but gott out of the toun, and raid away. The secretar was there also; so that, as I shewed you, this was a platt layed for me, say what they would have said."

CONFERENCE BETWEEN MR R. BRUCE AND MR THOMAS ARESKINE.

Mr Robert Bruce being charged upon Thursday, the elleventh of September, to enter in waird, in the place of Airth, obeyed the charge. Whill he was in Airth, Sir Thomas Areskine purchassed a warrant to him, to come to meete him at the Abbot's Parke. Mr Robert looked for no good of the meeting; yitt, craving God's

directioun and assistance, he went to meete him. After that Sir Thomas had made unto him a prolixe discourse and relatioun, he shewed how farre he trusted, and wherin he doubted. The conference ended without querrell, yea, with promises upon Sir Thomas his part, to stand his freind, so farre as he durst. This conference was holdin the 18th of September.

Upon Fryday, the 19th of September, Mr Robert Bruce receaved two letters, one directed from Mr Peter Hewat, who was sent in commissioun with Mr George Robertsone and Mr Robert Cornwall, from the synod of Lothian to the king, to treate, for restoring of the ministers of Edinburgh to their owne places, another from Mr James Balfour, Mr Walter Balcalquall, and Mr Johne Hall. The letters, together with Mr Robert's answere, heere follow :—

MR PETER HEWAT'S LETTER TO MR ROBERT BRUCE.

"SIR,—I have travelled with his Majestie, at the desire of the synodall, for a prorogatioun of your day, in the which, I found his Majestie very difficill at the first. But after insisting, he granted, as a benefite to the kirk; for he affirmed, that yee standing in that estat, could not be capable of a benefite at his hands. I perceave, sir, that he would verie faine have you reduced to a conformitie with the rest of the brethrein; and he wishes all them that love him and you to travell with you to that effect. I will not be so bold as to give you counsell: but I would pray you to goe als farre as is possible, to keepe the king, under whom we have the libertie of the gospell, and who being removed, the estat of this countrie would be dolorous. I thinke, sir, yee mister no mediators in this mater, but may be als farre in the king's affectioun as anie man, if yee would come to him and declare your minde to him in this mater, but in these termes that your brethrein have done before you. Yee sall receave from this bearer the warrant subscribed by his Majestie. Having no farther for the present, committs you to the protectioun of God.

"Yours ever to his power,

"Mr P. H."

MR ROBERT BRUCE'S ANSWERE.

"BROTHER,—I wrote to you, as mouth, and one bearing the person of the brethrein. Yee compt, I perceave, this short prorogatioun a benefite, which I compt none. If I had esteemed it so, I might have had a longer and larger. By embracing of this, yee stay me from the greater and better, which was also offered me; for since yee, who sould be sharper of sight, and quicker in judgement in discerning of things expedient for me, has made a choice of this, yee stoppe the mouths of others, who were once assured to have purchassed greater things for me. And I mervell, seing yee know that I must be most sensible in my owne cace, that yee have not sought my owne advice, in seeking of a benefite unto me. For if the short space of tyme which yee have purchassed be abused of me, as it will be compted, yee sall make me more odious, as one who studieth to be singular; and yee sall not faile to multiplie the wrathe of the prince against me, as one who has biddin so long upon me, and close your owne mouths from farther suting, seing yee have made no gaine by your former sute. I had farre rather yee had shewed me how farre yee had gone before me in this mater, and what anie of you has done that I have not done. For if your warrants be strong and sufficient, and the strenth of your warrants may carie me safelie to doe the like; and if yee have done no farther, and meane to doe no farther nor I have done, why sould not we that are like minded be like mouthed, and proceed after one way? I am troubled for laike of a full perswasioun. Now, this sort of perswasioun is the actioun of the heart, and God is onlie the searcher and tryer of the heart. So, this sort of questioun sould fall onlie under his censure. The Lord helpe my unbeleefe! I had mister of this fulnesse in the verie articles of my beleefe, suppose they leane upon undoubted grounds. I will trust the report of my prince; I will trust the report of noble men, as it becomes me. But I can trust no report of man as a verie undoubted truthe, but the report of him who is God also.

"Where yee cast in a word tuiching the desolatioun of our estat, in cace, as God forbid, our prince were removed, I wait[1] not weill what it sould meane. But if yee meane thereby, that there is an enlaike in me, ather of reverence or affectioun toward his Majestie's person, certanelie yee take me up wrong; for as to my heart, the Lord knowes it, and I appeale to him, tuiching the sinceritie of it in that point. And as to my actiouns in this mater, since this accident fell out, yee cannot be ignorant how readie I was to have gone over the water, to have had better informatioun of his Majestie's self, if wind and weather had not stayed; and to have mett his Majestie at Leith, if I could have had accesse. And what I offered to the counsell, I report me to Mr George Robertsone, and to some of my collegues that heard; so that my conscience beareth me witnesse, that I have beene about ever to omitt no duetie, where ather my reverence or affectioun ought to have beene testified.

"I crave to be led by the Spirit of truthe in this particular, and have beene instant, after my maner, with my God; and I am in that hope, that as yitt, he has not deserted me. Communicat your light with me, anie of you that has farther than I, and lett me see what argument may import a necessar conclusioun. If I embrace it not, I can not refuse to be marked with the marke of obstinacie; if I agree with you in your light, why sould I be hardlier used than yee? wherefore sould there be anie acceptatioun of persons? Therefore, to end in a word, ather impart this light to me with diligence, that your prorogatioun may be a benefite to me indeid, or otherwise, keepe me from the skaith and consequents of your sute, that yee putt me not in worse cace nor yee found me in. I have beene somwhat hamelie with you; but assure your self, my speeches proceed not of bitternesse, but of just greefe, that I sould be so hardlie dealt with. For, in my judgement, no honest man can be resolved in conscience, except some one or other dee penitentlie, testifeing this mater. The Lord, by his Holie Spirit, direct us in thir maters: To whose directioun, for the pre-

[1] Wot.

sent, I committ you and your travells. Off Airth, the 22d of September 1600.

"Your brother and fellow-labourer,

"Mr R. B."

MR JAMES BALFOUR, MR WALTER BALCALQUALL, AND MR JOHNE HALL'S LETTER.

"*The Spirit of the Lord Jesus be with you, and guide you for ever.*

"Right honourable Sir, and loving Brother,—After our heartilie salutatioun. Remembring your estat and present danger, to us no lesse heavie and sorrowfull nor to yourself; and, therefore, what in us lyeth, both by our prayers to God for you, as also, by what lawfull meane we can, we have travelled to your releefe, understanding that yee also will refuse no lawfull way for the same. We have remembred the kirk of Fife, as also our owne assemblie heere, who will leave nothing undone that lyeth in them, as we pray God to prosper their travells. But when we considered the estat of things, and Mr Patrik Gallowaye's credit, we thought good also to speeke with him, to imploy his credit in that mater. Of whom, in effect, we find, that if yee will imploy him, he will assay his uttermost credit for you; which we accompt, as things goe, to be the most readie way of your releefe; and, therefore, would even pray you to make no scruple to write to him a loving letter, desiring him that he would not refuse to use his credit for your releefe, as yee sall be readie to pleasure him, when your credit is greater nor his. This, sir, we thinke nothing against your honour or duetie, in respect that he is a brother, and, peradventure, will have adoe with our freindship again; and what ever has beene in mislyking before, as God's servants, it may be forgett, and brotherlie love, in tyme to come, may be interteanned; which, we know, he will willinglie and lovinglie meete. We purposed to have visited you where yee are, were not we are everie one of us

upon our journey, to accomplishe the appointment of the king and counsell. Praying God from our hearts to guide you with his Holie Spirit, and to direct you in this mater to his glorie, and your owne peace and confort. From Edinburgh, the 18th of September 1600.

"Wee, your loving brethrein in God,
"Mr JAMES BALFOUR.
"Mr WALTER BALCALQUALL.
"Mr JOHNE HALL."

MR ROBERT BRUCE HIS ANSWERE.

"BRETHREIN,—I receaved your letter. And as tuiching the meane that yee propouned for my deliverie, as I am not minded to contemne it, (for I never stood so upon the steppes of my reputatioun, but I could have found in my heart, to have used the helpe of the meanest brother in the ministrie, and to have forgivin in my heart also the greatest enemie that ever I had in my owne particular;) yitt, brethrein, er I embrace it, I would be resolved of suche doubts as occupie my minde. I remember, brethrein, when my cace was better, and credit greater with his Majestie; yitt Mr Patrik refused reconciliatioun altogether; for Mr Alexander Lindsey, one of the commissioners, was mediator betwixt me and him. But he, at that tyme, could purchasse no favour to me, except I had first acknowledged a fault done to him; yea, suche a fault as I at that tyme stood in great doubt, whether I had spokin it or not. If he stood then, brethrein, upon such step stones, muche more may he stand now, when I understand his credit to be greater. He beganne first at my calling, he and his complices, and how they sifted it, yee know; then at my living, and held me in a continuall exercise to this houre; and now, last, at my life: for this banishment, in this seasoun of the yeere, (except God, in his mercie, be the more favourable unto me,) may import no lesse. And if he had beene minded to winne me, and to have made me to have buried thir things in oblivioun, I am perswaded he would not have deserted me, speciallie when

he was so urged, and instantlie dealt with by you, and Mr Peter, that are brethrein to us both. Secundlie, I doubt greatlie, if his credit may reache so farre, or ahie man's in this countrie, ather, as to purchasse me a releefe, without a full resolutioun. And suppose I were resolved, it is concluded that I sall not feele the favour of that rowme where I had my calling. Thridlie, I know my letter sall be made a bachill of, and presented to his Majestie. And, last of all, As tuiching my credit, that way which yee meane; certanelie, I tooke to be for the fashioun, as I have oft told some of you. I was never loved as a minister. And yitt, if he had beene in my cace, I would have stepped to unbiddin, and employed my uttermost without ceremoneis, as all the brethrein of the ministrie had experience, who ever had to doe, enduring my credit with anie of the princes.

"Thir things I tell you, brethrein, make me to be laither to opin my packe, except I were certane to sell some wairs. There is a better caus nor I wracked, and in greater danger nor I am in. Yee know your self in what estat the discipline of the kirk stands in; what encroaching, what usurpatioun is daylie increased upon the spirituall kingdom; yea, and it were no more, I wounder how that brother could say, in the face of that synodall assemblie, that our rowmes were vacant, and that they had consented to our depositioun. Sall I looke for a benefite at his hand that stoppes the breath of God's Spirit in me, and deprives us unheard? Brethrein, lett him beginne first to kythe himself good in the commoun caus, and then I sall looke for a benefite from him in my owne particular; yea, then sall I shake heart and hand with him, and honour him alwayes, as it becomes me; for I know he has receaved better gifts nor I, and if he would lett me see that he would preásse to sanctifie them this way, by helping the distressed estat of God's kirk at this tyme, certanelie, brethrein, my eldest sonne sould not be so deere unto me as he sould be; for the Lord knowes I have no malice in my affectioun, ather against him or Mr James Nicolsone, suppose I take these two to be the procurers of my trouble, and fountains of my exercises. Would these two

men extend their credit, to staincie the bleeding of the caus, and to stay the grouth of this usurpation, then could I promise unto my self good things of them both. But whill I see their bowells of pitie powred out that way, I am the laither to trouble them with my particular.

"I will not fashe you with farther letter, but submitt these things, and all my cogitatiouns, to your spirituall judgement, to be corrected, as your light out of the Word of God sall find expedient. So, committing you to the protectioun of his Spirit, and word of his Grace, I take my leave. Off Airth, the 22d of September 1600.

"Your loving brother, and fellow-labourer
in the worke of the Lord,

"Mr R. B."

Mr Patrik Simsone, minister at Stirline, visiting Mr Robert upon the 22d of September, told him, that if he would promise to snib the people, and reprove them for their rash and lewde opinioun, which they were so readie to conceave and publishe of a prince, without sound or solide ground, the Erle of Marr was of that hope, that it might worke his peace. Mr Robert thinking, when the mater is doubtfull, the benigne interpretatioun sould be for the prince's side, wrote to the Erle of Marr this letter following:—

"My Lord,—After my verie heartilie commendatiouns of service: Fearing least this lingering of myne sould give occasioun of sinister impressiouns, and nourish the people in lewde opiniouns (wherunto they are over muche bent of will) of their prince, I thought it my duetie, my Lord, to prevent suche suspiciouns, and to signifie my minde to your Lordship, as by this letter I doe, that if ever God opin my mouth, ather in that place, or anie other place, I will promise, by his grace, to snib them, and to divert them from suche cogitatiouns as flow from a perversitie in nature, rather than from anie solide ground. This I may doe safelie, and sall doe farther, when God sall grant me farther light; for your Lordship takes me up wrong, if yee be of that minde, that it is

not conscience that moves me to this, but onlie a preposterous affectioun to persouns. My actiouns, my Lord, shortlie, will be my best judges and witnesses, ather with me or against me: and, in the meane tyme, I would crave this favour of your Lordship, if my service will not be acceptable to his Majestie within the countrie, that he would suffer me with his licence and favour, whill the storme be settled, to depart. I will not fash your Lordship with further letter. But if I durst say it, my conscience sayes to me, I deserve good will of your Lordship. Alwise, the Lord in his mercie direct your Lordship in all your effairs, and take you and yours under his tuitioun and defence, both now and ever. Off Airth, the 22d of September 1600.

"Your Lordship's to his power, to be
commanded with service,

"Mr R. B."

The Erle of Marr's answere to this letter mett not Mr Robert's expectatioun, nather was answerable to the promise made by Mr Patrik Simsone, in my lord's name. The just copie of the answere followeth:—

"Sir,—I receaved your letter, wherin yee desired me to be a dealer at his Majestie's hand, that yee may have a licence to passe furth of the countrie, if better can not be, (wherof I would be verie sorie.) I sall leave nothing that in me lyes to doe that yee desired me. But yee must give me leave even to speeke with you. I thinke yee are farre in the wrong to yourself, and all your weilwillers, that is so hard of credit in this so manifest a mater. And now, seing it is come to suche an hight, I feare his Majestie sall be verie hard in it; for I darre take it on me before God in heaven, (that is my onlie witnesse in writting these words unto you,) that the most mischant treasoun that ever was intended against a prince, was that day intended against his Majestie, by my Lord of Gowrie and his brother. This I may boldlie write, in respect of that I saw; and if I had the occasioun to speeke with you, I beleeve, to lett you see it evidentlie. Alwise, Sir, I beseeke

you even to resolve with your self upon that which I am assured of in conscience yee may, and that in respect I know it to be the truthe. I remitt the rest to the bearer, whom I know yee will credit. And so I committ you to God. Off Stirline, the 24th of September 1600.

"Your loving freind,

"MARR.

"As to that part of your letter concerning your good will toward me, in truthe, I never thought otherwise, nather merited I ever other at your hand, nor yitt still doe."

MR R. BRUCE'S DEPARTURE PROROGUED.

The Countesse of Mortoun undertaketh, if Mr Robert would stand to that which he had offered, to purchasse him ather full libertie, or at least a prorogatioun, till the end of the parliament which was to be holdin. Wherupon a licence was promised, but delayed till the last houre, which made Mr Robert shake off all care of provisioun for his departure. The tyme of his departure was prorogued till the elleventh of November.

CONVENTION OF COMMISSIONERS FROM SYNODS.

Upon Tuisday, the 14th of October, the commissioners from synods conveenned in the palace of Halyrudhous. The king was earnest to have the kirk of Edinburgh planted with other ministers. The brethrein of the ministrie answered, that could not be done, unlesse they were deposed by the kirk, and cutt off by some civill forme of judicatorie. The king, on the other side, assuring them, that he had determined they sould never come in Edinburgh again, they thought good, rather than that kirk sould vaike, that the ministers of Edinburgh themselves sould be asked if they were content, of their owne accord, to yeeld to transportatioun. Therefore, Mr James Melvill, Mr William Scott, and Mr Johne Car-

michaell, were directed by the king and the ministers conveenned, to aske at them, and to report their answere. After they were sent out, the king, with his commissioners, and the ministers there conveenned, nominated and choosed three bishops, Mr David Lindsey, Bishop of Rosse, Mr Peter Blekburne, Bishop of Aberdeene, Mr George Gladestains, Bishop of Cathnesse, and appointed them to vote at the nixt parliament in name of the kirk, without anie regard had to the caveats or conclusiouns made. The three brethrein sent out to conferre with the ministers of Edinburgh understood nothing of this mater till the conventioun was dissolved. Marke the craft of the king and the commissioners of the Generall Assemblie. They imployed these three, who were esteemed the wisest among these who stood for the liberteis of our kirk in another actioun, that they might the more easily circumveene the rest who were present. This conventioun had not the power of a Generall Assemblie; but anie colour was sufficient for their proceedings, having authoritie on their side. As for the ministers of Edinburgh, the king tooke Mr Johne Hall in his owne hand, and so he was reposed to his owne place in Edinburgh. The like favour was not granted to the rest. Indeid, Mr Johne was steadable to the king and commissioners, injoying that place, and advanced their course more, secreitlie and under ground, than anie of that number did ather secreitlie or opinlie.

Upon Wedinsday, the 22d of October, Mr Johne Davidsone wrote this letter following to Mr Walter Balcalquall:—

"Grace and Peace.

"Hearing of some misreports, (deere brother,) I thought good to prevent Satan his drift, by these lynes. I wish from my heart that both of us take heed in these most perrellous dayes, that we give no suche place to misreports, that our Christian and weill approved love of a long continuance sould be brangled thereby. For although yee mislyke some things in me, and I some things in you, (yea, if we doe rightlie, we must everie one of us mislyke and damne manie things in our selves,) yitt we must not so please our selves, but please one another in that which is good, that we

breake not unitie in truthe and Christian love, that is so firmelie grounded in Christ; and I perswade my self, that willinglie and of purpose, yee would no wise hurt the tendernesse of my love towards you; so yee may be perswaded that als laith would I be to hurt yours toward me. And, therefore, loving brother, lett us be wise in Christ. And though Satan has desired to sift us, lett us be assured that Christ hath prayed that our faith faile not. Amen. Fareweill, deere brother in Christ; and leaving our owne particular greeves, lett us bewaile the horrible crymes and breaches of the walls of our Jerusalem that daylie rusheth to the ground so fast. The 22d of October 1600.

"Your loving brother in Christ,

"JOHNE DAVIDSONE."

Mr Robert Bruce, eight dayes before the tyme appointed for his departure, directed a letter to the king by the Laird of Balvaird, wherin he tooke his good night, and made a repetitioun of the former offers, in als reverent and humble a maner as he could. The tenour of the letter followeth:—

"Please your Majestie,—Hearing that your Majestie was nothing relented of your former wrathe against me, and being now upon the point to show my obedience unto your Majestie's last charge, I could not omitt this as my last duetie, to intreate your Hienesse' clemencie, and to mitigat the extremitie of this intended wrathe. I am not ignorant of that speeche, that The wrathe of the prince is the messinger of death. So that I crave that the Lord, for Christ's sake, may adde his blessing, and worke effectuallie in your Grace, as he sall see expedient for his owne glorie and your Majestie's perpetuall preservatioun. Then, to be short; to show my conformitie with the rest of my brethrein of the ministrie, as at all tymes, so now especiallie to show both my conformitie with the rest of my brethrein of the ministrie, and my reverence to your Majestie, and to cleere my suspected affectioun heerin, I offer to give to the Father of our Lord Jesus Christ, in him, and through him, most heartilie thankes for all your Majestie's deliverances',

from your craddell to this present houre; but namelie, for that deliverance which he granted to your Majestie in St Johnstoun, on Tuisday, the fyft of August, farre above all our deserts, and your Majestie's expectatioun. I offer also to stirre up the people to that same duetie; and attour to divert the people, so farre as lyes in me, from their lewde opiniouns and uncharitable constructiouns anent your actiouns, and namelie, in this turne. Finallie, there is no duetie your Majestie can crave of me without the manifest offence of God, and hurt of my owne conscience, but I will doe it with als good a heart as ever I did thing in this earth, that if by anie meanes I might testifie my good affectioun towards your Majestie, my soverane, and injoy my naturall aire, and suche other conforts as the Lord has givin me under your Majestie's raigne. Which I most humblie crave of your Majestie, beseeking the Lord to move your heart heerin, for his Christ's sake. So, awaiting for your Hienesse' answere, in all humilitie I take my leave."

Mr Robert was upon his journey to the shippe, and Balvaird returned with the answere to his wife. He shewed her that his Majestie had interlynned the letter, and eeked some words upon the margent; and if Mr Robert condescended not to these words, and were not content to utter them in pulpit, there was no byding for him in Scotland. He desired also that he might keepe the interlynned letter a while, promising to redeliver it. But he gave it to his uncle, Sir Patrik Murrey, and was never redelivered. In the meane tyme, Mr Robert returned to Restalrig upon Thursday, at night, the penult of October. The shippe was not as yitt out of the harbourie. It being great in quantitie, and heavie loadenned, and the floods also decresing, there was little hope of outgoing. Alwise, Cornelius Inglis, sonne to James Inglis, the owner of the shippe, was moved to emptie her of a great part of her loadenning. But the deid neepe was so great, according to the course of the moone, and custome of that sea, that they looked not for her floating. Yitt, by their expectatioun, and farre by the custome marked in these seas eighty yeeres before, where the waters sould have decayed, against the custome, they increassed, till they putt her on

float, and convoyed her out; and thereafter, returned to their owne naturall course, and continued in their cõnesse for five weekes after. The shippe faired furth on Saturday, the first of November, and was drawin up to the Queen's Ferrie, where she lay at anker. Upon the thrid of November Mr Robert went up to the shippe. Two of the ministrie certified him, that he was to be charged, under paine of treasoun, to retire to the shippe within twentie-foure houres; which made him to make the greater haste. So he raid to the Queen's Ferrie, accompanied with Sir William Cranstoun and his sonne, and after supper tooke shippe. Two bailliffes went with him to the shippe, and Mr Thomas Gray, and a notar, Johne Macka. He tooke instruments in the hands of the notar, that he had obeyed the act. They retired in a boat. It was marked by them that returned, that, by custome, there appeared so great a light, which served them to read, and the mariners and skippers to take up saile, although it was neere midnight. So they drew to the sea by God's blessing, and arrived at Deepe in France, upon Saturday, the eight of November.

A PARLIAMENT.

Upon Tuisday, the ellevinth of November, the parliament beganne. The Erle of Marr caried the sword, Eglintoun the scepter, Cassils the crowne. Angus went to Dalkeith, becaus he would not give place to Huntlie. Upon the fyfteenth of November, the king and nobilitie came to the Tolbuith upon foote, becaus of muche snow which had fallin, and the great frost. The late Erle of Gowrie, and his brother, Mr Alexander, were forfaulted for treasoun; and it was ordeanned that their dead bodeis sould be hung on a gibbet beside the Croce of Edinburgh, and after a space taikin doun, to be quartered and dismembred. An act was made, that all of the surname of Ruthven choose other surnames, betuixt and Witsonday nixt. Foure ministers voted as bishops at this parliament, but raid not; Mr David Lindsey, Bishop of Rosse, Mr George Glaidstains, Bishop of Cathnesse, Mr Peter Blekburne, as

Bishop of Aberdeene, Mr Alexander Dowglas, as Bishop of Murrey. The Erle of Huntlie at this time [was] a great courteour with the king. They passed over the tyme with drinking and waughting.

PRINCE CHARLES BORNE.

Upon Moonday the 19th of November, the same day that Gowrie and his brother's carcasses were dismembred, the queene was delivered of a sonne, who now raigneth under the name of King Charles, about ellevin houres at night. The king himself observed, that he himself was borne the 19th of June, Prince Henrie, his sonne, the 19th of Februar, his daughter, Ladie Elizabeth, the 19th of August; and that he himself saw the queene in Denmark first upon the 19th day of the moneth, and that now she is delivered in Dumfermline upon the 19th day.

The Erle of Gowrie and his brother's heads were pricked upon the gavell of the Tolbuith of Edinburgh, their legs and armes sett upon pricks above parts in St Johnstoun.

Upon the 24th of November there was a proclamatioun at the Croce of Edinburgh, charging that none recept Jesuits, Popish preests, nor excommunicated Papists, within their houses or otherwise, speciallie Mr Johne Hammiltoun, the apostat, father brother to Mr Thomas Hammiltoun, advocat. And yitt, within twentie dayes after, Mr Henrie Blyth, minister of the Cannogate, was cited to compeere before the counsell, for alledging in pulpit that Mr Johne Hammiltoun was resett in the speciall houses in Edinburgh; and threatned with punishment, incace he qualified not his speeches. He gave in sindrie prooffes and presumptiouns, that he was seene say masse in the president's and Andrew Napier's hous. But there was no correctioun.

Christmasse was solemnelie keeped by the court upon the 25th of December, with shooting of cannons out of the Castell of Edinburgh, and other signes of joy.

M.DC.I.

LIBERTIE OF CONSCIENCE PROPONED IN COUNSELL.

In the moneth of Januar, Mr James Nicolsone told Mr Andrew Melvill, that the king had reveeled, that some of the counsell had propouned to have libertie of conscience, and seemed to be displeased with himself for furthering the king's courses. But he continued not long in that dispositioun.

THE MINISTERS OF EDINBURGH RETURNE TO THEIR OWNE HOUSES.

In respect of the difficultie and obstinat refusall of the toun of Edinburgh to accept other ministers than their owne, the king gave their ministers licence upon the 16th of Januar to come home, and dwell in their owne houses till he were farther advised, Mr Robert Bruce onlie excepted.

THE SYNOD OF FIFE.

The synod of Fife conveenned at St Andrewes the thrid of Februar, before the ordinar tyme. Mr Johne Hammiltoun, the apostat, taiking unto him the name of Johne Thomsone, was excommunicated. Mr Robert Abercrumbie, taiking to him the name of Mr William Simsone, was declared not to be of our societie. Mr William Dalyell was deposed for too great familiaritie with Mr Johne Hammiltoun, and not reveeling him.

Item, For insufficiencie to beare the office of the ministrie, Mr George Gladestains, minister at St Andrewes, confessed that he satt in parliament and answered with the name of Bishop, but against his will, as he alledged, becaus they would not name him otherwise.

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AMBASSADERS SENT TO ENGLAND.

Upon Wednsday, the 18th of Februar, the Erle of Marr, and Mr Edward Bruce, Abbot of Kinlosse, went to England in ambassadge, to see that nothing be done in parliament prejudiciall to the king, and his right of successioun to the crowne.

A MEETING OF MINISTERS OF BOTH PARTEIS.

Upon Tuisday, the thrid of Marche, there was a meeting of certane ministers of both parteis at Bruntiland. After long controverting, they agreed that it was meetest that the ministers of Edinburgh sould be restored to their owne places, and that there be a free Generall Assemblie, to putt all maters debatable to a point. The commissioners of the Generall Assemblie promised to deale with the king for that effect.

MR R. BRUCE COMETH TO ENGLAND.

The Ladie Marr obteaned licence to Mr Robert Bruce to returne to England. But he stayed, notwithstanding, till Mr Edward Bruce sent to him twise to come over to Londoun, to conferre with the Erle of Marr and the ministers there, and to doe all that lay in him to countenance his prince's actiouns. He came over. How maters past betuixt him and the Erle of Marr may be gathered of the letter writtin to his owne wife from Beruick, which is insert after in the owne place.

BONYTOUN AND LATOUN PUTT TO AN INQUEIST.

In the beginning of Marche, masse was said in Edinburgh, in Andrew Naper's hous, in Helene Sempill's chamber, at sindrie tymes, by Mr Alexander Mackquhirrie. There were present at the masse, the Maister of Elphinstoun's sonne, Mr William Barclay, a

new made advocat, Helene Sempill, excommunicated, Charles Burdeux's wife, the young Laird of Bonytoun, the Laird of Latoun, and sindrie others whose names were not knowne. A little before this tyme, the said young Laird of Bonytoun, and Laird of Latoun, with their complices, in the same moneth of Marche, brake up the old Laird of Bonyton's hous in Angus, and tooke away all the evidences, and other plenishing belonging to old Bonytoun, father to the said Bonytoun younger; and within five or six dayes after, resorted opinly to Edinburgh, and were at the masse foresaid. Bonytoun younger and Latoun were apprehended, putt in waird, presented to an inqueist, and accused criminallie for the said thift allanerlie; were convicted therof, and consequentlie of treasoun, and the doome givin out upon them to be executed. Neverthelesse, they were reteanned in waird in the Tolbuith of Edinburgh a great space therafter.

A BRUTE THAT THE KING WAS TO BE KILLED.

The brute went at this tyme, that a Papist had gottin a dispensatioun from the Pope to kill the king. But no man knew his name, nor what he was. It was thought, therefore, to be a device forged, to make the people beleeve that the king was odious to the Pope, becaus the brute went, that liberty of conscience was to be granted.

A SYNOD OF LOTHIANE.

Upon Tuisday, the seventh of Aprile, the synod of Lothiane conveenned in Tranent. Mr Michaell Cranstoun preaching upon the secund of Malachie, putt the ministrie in minde of the great troubles and labours of Mr Knox, Mr Lowsone, Mr Bruce, and their nighbour, whom God yitt ever approved, meaning Mr Johne Davidsone. Upon Wedinsday, the eight, after noone, Mr Johne Davidsone caused read the 13th of Deuteronomie, and the acts of parliament against idolaters, Jesuits, and Seminarie preests. He

shewed that they were to interprete the meaning of the commissioners of the Generall Assemblie to the best part, if they would now acknowledge the infirmitie of their course. But if they would yitt goe on in flattering the king and defacing good brethrein, they sould beare the blame of the schisme which was lyke to fall out. He sayeth to Mr David Lindsey, "Assure your self, I love nather your bishopping, nor your mounting to be a counseller. For all this is come of your corrupt course, in making your self moderator at St Johnstoun, *anno* 1595, or at least, in accepting the moderatorship against all good order." He desired the brethrein to be plaine from pulpits tuiching the present danger, and not to winke anie longer. Mr David hang doun his head all the tyme, and never spake a word. A fast was concluded to be kept upon the Sabboth come eight dayes.

JOHNE WAT'S DEATH.

Upon the 17th of Aprile, Johne Watt, deacoun of deacons, [was] shott to dead in the Burrow Mure of Edinburgh, suddanlie. He offered, after the 17th day of December, to invade Mr Robert Bruce his persoun, for which caus he was weill lyked of by the king; who was exact in the tryell of Alexander Slummon, who was suspected, but without caus, to be the instrument of his death. The judgment threatned against this man by Mr Robert Bruce came to passe.

BONYTON EXECUTED.

Upon Moonday, the 27th of Aprile, the Laird of Bonytoun was beheaded at the Croce of Edinburgh, betuixt six and seven in the morning, by a commissioun from the king, directed to the bailliffes of Edinburgh, tymouslie in the morning; for howbeit great intercessioun was made by Huntlie, Erroll, Hume, and others, yitt the ministers were instant with the king to have a prooffe of his sinceritie. He died an obstinat Papist, ever looking for pardoun till

the last gaspe. He pretended he suffered for the Catholick Roman religioun, but it was no point of his dittay. Onlie the stealing of his father's evidences and writts was layed to his charge. Latoun gott remissioun by the moyen of courteours.

CORNWALL THE OFFICER HANGED.

Upon the same Moonday, at six houres at even, an officer of Edinburgh, named Archibald Cornwall, was hanged upon a gibbet at the Croce of Edinburgh. At the rowping of some poynded geare at the Croce of Edinburgh, finding a brod wheron was the king's picture, and standing hard beside the gibbet, undiscreitlie and rashlie [he] was driving in a naile in the gibbet, to hing up the brod, as was reported. But being admonished by some of the people standing by, he ceassed, and hanged it not up. Alwayes, upon the said presumptioun, he was putt in waird in the jayle. The king being informed, caused examine certane witnesses; and therafter he was putt to an assise, convicted, and condemned to be hanged, and to hang twentie-foure houres, with a paper on his forehead; which was done, and therafter, the gibbet was taikin doun, and burned with fire.

THE * * * * GENERALL ASSEMBLIE.

The Generall Assemblie conveenned at Bruntiland, the 12th of May. The Assemblie was indicted to be holdin in St Andrewes, the last Tuisday of Julie. But becaus the king fell at the hunting, and hurt his left shoulder, it was appointed to be holdin in Bruntiland, the 12th of May, wherupon sindrie were disappointed. Mr Patrik Galloway, Patrik Scharpe, Patrik Simsone, Johne Hall, and James Robertsone, being putt on the leits, Mr Johne Hall, by pluralitie of votes, was chosin Moderator. The eyes of the sincerest sort were upon Mr Patrik Simsone, who was in leits with Mr Patrik Galloway at the first; but the king would have these leits

changed, and a neutrall man chosin. But Mr Johne Hall was no neutrall, howsoever he carie[d] himself outwardlie.

Mr James Melvill being deteanned from this Assemblie by sickenesse, wrote this letter following, which the king tooke out of the Moderator's hand, and suffered it not to be read, but keeped it in his powche, and layed it up amongst his privat writts, as he was informed :—

> "To the godlie fathers and brethrein conveenned in this present Assemblie, at Bruntiland, J. M. wisheth grace, mercie, and peace, from God, through Jesus Christ, with the spirit of freedom, uprightnesse, and faithfulnesse.

"Having manie wise a calling to be present with you at this Assemblie, (godlie fathers and deere brethrein,) and stayed onlie by infirmitie of bodie, after a long and sore sickenesse, I could not at least but communicat my minde with you shortlie, in writt.

"And, first, as concerning his Majestie, since it has pleased God to endue him with suche a rare and singular grace, as to resolve to bestow himself, his state, and all that God has givin him in possessioun or title, for glorifeing of Christ, King of kings, in the maintenance of his gospell and true religioun, and now, to putt hand to justice against impietie, wrong, and all oppressioun, to kythe in effect the true and earnest dispositioun of his heart, I thinke it all our parts to praise God uncessantlie therefore, and to concurre and joyne with his Majestie in our calling, to our uttermost, namelie, in stirring up and moving the hearts of his people to his reverence and obedience; yea, to bestow their lives, and all that they have, with his Hienesse in that caus, and in all his Majestie's effairs, that may serve for the weale therof. And, truelie, they are worthie to be accursed, and not bruike the name of Christians or Scotishmen, but esteemed enemeis to God, religioun, and his Hienesse,

that will not willinglie yeeld heerunto. As Deborah cryeth, 'Curse Meroz, sayeth the angell of the Lord; curse, becaus they came not to assist the Lord against the mightie.' I would wishe, therefore, for this effect, as in the dayes of Asah and Joas, kings of Judah, namelie, according to the directioun of good Jehojada, the preest, that solemne covenants and bands (the Word of God and prayer going before) were made betuixt God and the king, God and the people, and betuixt the king and the people, beginning in this present Assemblie, and so, going to provincialls, presbytereis, and through everie congregatioun of this land. Nixt, as concerning the ministrie of Edinburgh, I hold fast that agreement of the brethrein conveenned at Bruntiland, in the moneth of Marche last, and would beseeke the brethrein of the Assemblie to insist with his Majestie, with the reasouns sett doun at that conference, and suche other as God would furnishe; joyning prayer to God, who has his Majestie's heart in his hand, whereby his Hienesse may be brought to yeeld therunto, as a speciall weale not onlie of the kirk, but of his Majestie's estat and effaires, if God has givin me my eyes to see in them. For besides that the cheefe blocke hous of the Lord's Jerusalem in this land can not, in my judgement, be weill fortified without them; in my conscience, I know no braver trumpets to encourage, move, and sett fordward the people to his obedience and assistance, when occasioun of his Majestie's weightiest effairs may crave the same. And, truelie, when I passe through the forme of proceeding with my self, to spy out what sall befall in end, I can not see if it be weill, but it will be repossessioun. For processe will be found hard, transportatioun full of fashrie and inconveniences, and in end fecklesse, wanting contentment. Therefore, the best must be repossessioun, wherunto I pray God his Majestie's heart may be inclynned, as the whole brethrein's are, I am sure.

"But there is heere, deere brethrein, an incident of greater importance nor the rest, wherunto I must not onlie exhort you, but in the name of Christ, charge and adjure you, as yee will answere to him upon your fidelitie in his service, that yee endeavoure to

redresse. This is, that interest that he susteanned by the act and decreit of counsell, whereby the ministers of Edinburgh are deposed from preaching in anie tyme heerafter, becaus they refused to preache and give thankes, as was injoynned them by the said counsell; the greatest interest that ever Christ susteanned in this land. For if he has not sole power to choose, call, and depose his owne messengers and ambassaders, he has no power at all. His Majestie shew himself, in my hearing, diverse times willing that this sould be amended. But I feare the decreit stands in the booke, without anie note therupon. Forgett not this, but remember it as the greatest point yee have to doe, and lett not (I humblie beseeke) his Majestie and counsell be miscontent with the bringing in of this heed; for the favour of Christ, and feare of his just wrathe, against suche as say, '*Nolumus hunc regnare supra nos*,' constraines me. The which I wish to be als farre from his Majestie and Honourable Counsell, as from my owne heart and soule; but contrariwise, that in the favour and blessing of Christ, his throne, as the throne of David, may be established, and floorish as the palme.

"Now, as to the rest, revise your canons; for corruptioun creepes fast on, and is confirmed by custome. Sight the conclusioun of your last Assemblie, and see if things have proceeded conforme thereto or not, if it may please his Majestie to permitt these things to be done at this tyme, which, indeid, are most necessar to be done; otherwise, it is not possible to keepe from corruptioun. Farther, the restraint of the freedom of our Generall Assembleis in the ordinarie conventiouns therof, would be heavilie compleaned upon, and regrated to his Majestie; for seing we have full power and expresse charge of Christ, the onelie King of his kirk, to meete and conveene together for the governement therof, and have our ordinarie conventiouns twise in the yeere, approved by his Majestie in his lawes and acts of parliament, wherefore sould our meetings depend upon licences, letters, and proclamatiouns, namelie, whill as other estats, as burgesses and barons, are permitted to use their priviledge freelie? Sall the kirk of Jesus Christ be lesse

regairded, and restrained in their freedom and priviledge, in a sattled and constituted, under the protectioun of a rare Christian magistrat? God forbid.

"Finallie, my deere brethrein, charitie and the law commands me to make you wairning by my experience, that in all your speeches yee respect the true profite of the kirk, and his Majestie's estat joyned therewith, and not to present pleasuring. Now, the true profiting is, that which has the warrant in the law and the propheits, howsoever the reasoun of man thinke of it. We sould be the mouth of God to all. His law sould be in our lippes, and true wisdom in our mouth; our speeches sould be the speeches and oracles of God. And as the lawyer sayes, 'It is shame to a lawyer to speeke without a law;' and muche more say we, It is shame before God and his angells, and before the kirk of God, to the dispensator of the heavenlie mystereis, to speeke without Scripture, and warrant of the Word of God. Take heed to this, otherwise, when God beginnes to take you aside, and reckon with you, and lay on his hand, as I thinke, of his fatherlie affectioun he has done with me, yee will deteast from your heart the fashiouns of this world, the wisdom of flesh and blood, the exemple and maner of doing of this tyme in speciall. Yee will repent that ever yee knew and followed them.

"In conclusioun, I lay doun at your feete my commissioun, as the pyoner doeth his burthein. It has spent that wheron my numerous familie sould have beene susteanned; it has greeved my minde continuallie; and now, in end, it has brought me in extreme danger of my life. Therefore, I beseeke you, burthein me no more therewith, unlesse yee will have my skinne. Now, the Lord Jesus Christ, of the same love that moved him to give his life for his kirk, governe and keepe her from the pollutioun of this last age, and make us and all the labourers within the same, ever mindefull of that great day when he sall come and call us to an accompt of our dispensatioun. Amen. From the bed of my infirmitie."

Mr Johne Davidsone sent to the Assemblie this letter following:—

"*Grace and peace, with upright judgement and constant practise therof in these dayes of tryell. Amen.*

"Reverend brethrein,—How long sall we feare or favour flesh and blood, and follow the counsell and command therof, leaving the plaine and knowne will of God in the meane tyme undone? Sould our meetings be in the name of man? Nay, sould they not be in the name and authoritie of our Lord Jesus Christ, to whom everie knee sould bow? Are we not yitt to take up our selves, and to acknowledge and leave our former errours, negligence, and feeblenesse in the worke of the Lord, by the miserable experience of these our woful dayes of suche dangerous designements, that *forsitan ipse senex* deplored *talia Peleus*, yea, *quam graviter ingemiscerent illi fortes viri, qui propter gloriam et ecclesiæ Scoticanæ libertatem, olim in acie decertarunt, si nostram nunc ignominiam* (*ne quid gravius dicam*) *conspicerent.* But we sould have God, the searcher of the hearts, before whom all things are naiked and bare, before our eyes, and sould walke before him, and be upright. Sould James and Johne be seeking to sitt, one at the right hand, another at the left, and namelie, when Christ is going to Jerusalem, to suffer death? Is it tyme for Baruch to speeke great things for himself, when the Lord is about to destroy the thing he planted, and threatneth his people with fearefull captivity? Is it tyme for us now, when so manie of our worthie brethrein of the ministrie are shamefullie thrust out of their callings, without all order of just proceeding against them, '*et boni malis deputantur*,' as a Father sayeth; and Jesuits, Atheists, and Papists, in great number, dailie flocking home, are suffered, countenanced, and advanced to great rowmes in the realme, to the bringing in of idolatrie, and captivitie, more than Babylonicall, with an high hand, and that in our cheefe citie; in no corners, but in effect, at the Mercat Croce of Edinburgh,

without all due punishment for the same, according to the law of God, and manifest lawes of the realme? Is it tyme now, I say, to be inveigled and blindfolded with pretence of preferment of some small number of our brethrein, and that, not to stand so muche in the ordinance and electioun of the kirk as at the pleasure of the court, to have vote in Parliament, to ryde with foote mantle, and have title of prelaceis, and so to make the preparative in our selves of that Hierarchie, as they call it, that the Papists minde with speed to injoy? What is this ellis; but '*honorari intra palatium ad servitutem,*' as the ancient Fathers say? Sall we, brethrein, with Samsone, sleepe still on Dalilah's knee, till she say, 'The Philistins be upon thee, Samsone?' Then, worthilie with Samsone, may we be made a ridiculous and ignominious spectacle to the Philistins, which the Lord in his great mercie avert.

"But Bonytoun is executed! A famous theefe in the highest degree, for his vile thift is punished! What is that to the caus of religioun, wherof was no questioun, as worthilie might have beene? Is there no Papist, idolater, nor wilfull favourer and mainteaner of Papists in Scotland, but Bonytoun? Speere, and see. But the king and the kirk being yitt sound in religioun, what can the adversareis doe? Being sound, as yee say, there were the lesse danger. What is your doubt? There is no doing, nather in kirk nor king, according to our callings. As for Seggene, as they say, it goeth light cowpe; and it is but small wisdom for the Israelits, to lett the Canaanites remaine among them, and waxe strong. Therefore, if there be anie zeale in us, laying all byganes aside, lett us joyne together as one man, and that before all other things, to purge the land of this fearefull idolatrie, leaving all other things to be handled in the nixt Assemblie to be appointed *primo quoque tempore* for the same purpose; taiking exemple of the childrein of Israel, who hearing but a brute of erectioun of a contrare altar, by their brethrein of Reuben, Gad, and halfe tribe of Manasseh, determined with all speed to have rooted them out with destructioun; if the mater had beene so. The mater with us is out of doubt, and, therefore, lett us show our zeale for the Lord and his

caus, otherwise we can looke for no blessing at the hands of God. Fareweill, deere brethrein in Christ. Amen.

"Your brother in Christ, to his power, or rather God's power in him, to be furthcomming at God's pleasure, in tyme and place.

"Of one thing, in speciall, deere brethrein, I wishe you to bewar, that yee doe not evill that good may come of it; to witt, that yee consent no wise to determine anie thing *de presenti*, tuiching the new planting of Edinburgh, in prejudice of the former brethrein yitt undisplaced by order, in respect of anie promise *de futuro*, tuiching the punishment of Papists. For as punishment of Papists and their displanting without order, cannot stand together, so, their standing in their owne rowme will serve verie greatlie for the overthrow of Papistrie, weygh it when yee will. Finallie, If reasoun be refused, as God forbid, remember, that alwise *melius et optabilius est egregium bellum, pace impia, et a Deo detrahente.*

"Farewell again in Christ. Amen."

This letter was read and allowed in the Assemblie; but the king alledged there was treasoun in it, and troubled him for it.

The Assemblie beganne with small contentment to either partie. But the king, to acquire credit, and the good opinioun of the people, speciallie of suche as doubted of his innocencie in the last fact, made manie protestatiouns, not without teares in his ey, to be fordward for the kirk and libertie of the gospell. Wherupon followed a mutuall band of love betuixt his Majestie and the ministrie, for farther satisfactioun, that was approved, both by the court and manie of the ministrie, which, before, was not onlie neglected, but also mocked; to witt, to rype up the causes of defectioun in all estats, and to advise upon the remedeis. It was concluded that a fast, and renewing of the covenant with God, sould beginne at this Assemblie, and, therafter, be keeped universallie in one weeke. Little sinceritie or good meaning kythed, notwithstanding, in the cheefe directors and rulers of that actioun; for nather were the

cheefe causes of defectioun layed opin, nor the right way intended to remeed the same. Alwise, I have sett doun the causes, and the remedeis, as they are extant in the Register.

Sessioun 2.

"The which day the brethrein having entered in consideratioun of the generall defectioun from the puritie, zeale, and practise of true religioun in all estats of the countrie, and how that the same must of necessitie at last be concluded ather in Papistrie or atheisme, within short space, in the righteous judgement of God, except some substantious remeed be provided thereto: And becaus this evill can not be weill cured, unlesse the originall springs and speciall causes therof be ryped up: Therefore, the brethrein, after mature deliberatioun, and weyghing of the causes of the said defectioun, have found the principall causes therof to be as follows:—

"CAUSES OF THE DEFECTIOUN FROM THE PURITIE, ZEALE, AND PRACTISE OF TRUE RELIGIOUN IN ALL ESTATES OF THE COUNTRIE, AND HOW THE SAME MAY BE MOST EFFECTUALLIE REMEEDED.

"The principall caus of this fearefull change no doubt is, the just wrathe of God kindled against the whole land, for the unreverent estimatioun of the gospell; and for the sinnes of all estats, and dishonouring of their professioun, and making the name of God to be blasphemed by the profane world without remorse.

"Laike of care and diligence upon the part of the ministrie, in the discoverie of them that make apostasie to Papistrie, and negligence in executioun of the lawes and discipline against suche as happin to be discovered.

"Want of pastors, and unplanted kirks; and displanting of kirks which have beene provided, by diminutioun of the thridds.

"Neglecting of places that are of cheefest importance to the

interest of religioun, in not planting sufficient pastors therat; suche as are, her Majestie's hous, the Prince's hous, the Erles of Huntlie, Erroll, and Angus' houses, and places of their cheefest residence; the Lord Hume's hous, the Lord Hereis' hous, and cheefe places of their residence; the toun of Dumfreis, and others of the nobilitie and greatest power within the countrie.

"The over haistie admissioun of men to the ministrie, before they be knowne to be of sufficient gifts and experience to discharge fruictfullie that high calling in these difficill tymes.

"The negligence of the ministrie in advancing of their knowledge by a continuall and constant reading of the Scriptures, and controversies of the tyme, wherethrough they might be able to bring the consciences of their auditors in subjectioun to the obedience of the gospell, and convince the adversarie.

"Negligence in the lyfes of the ministrie; not framing their conversatiouns in gravitie as paterns of life to the people, but framing themselves excessivelie to the humors of men; especiallie communicatioun at tables, and giving sometyme exemple of intemperancie in the light and prodigall abuilyements of their famileis.

"The distractioun of mindes which is supposed to be in the ministrie; the distractioun which is supposed to be of his Majestie's minde from some of the ministrie.

"The advancing of men suspected in religioun, and knowne to be evill affected to the good caus, unto offices, and honours, and credit in court, counsell, and sessioun, and other rowmes of great importance within the countrie.

"The desolatioun of the kirk of Edinburgh, through the want of pastors.

"The continuall residence and interteanement of the Ladie Huntlie, a knowne and professed Papist; of Margaret Wood, sister to the Laird of Bonyton, and others, knowne and professed, in his Majestie's court and companie.

"The educatioun of his Majestie's childrein in the companie of profest and obstinat Papists, suche as, the Ladie Livingston.

"The negligent educatioun of the childrein of noblemen, and

sending them out of the countrie, under the charge of pedagogues suspected in religioun, or at the least, not weill grounded and confirmed therin, to be brought up and instructed in places where Papistrie is professed.

" The iniquitie of skippers, mariners, and owners of shippes, that under the name of passingers, transport from other places, and bring within the countrie, Seminarie Preests, Jesuits, and other traffiquing Papists, with their coffers and bookes; and the impunitie of suche as convoy and sparpell their bookes through the countrie.

" The decay of schooles, and educatioun of the youth in the knowledge of good letters and godlinesse, speciallie in landwart, for laike of sufficient provisioun to interteane a qualified schoolemaster in places needfull.

" That men suspected in religioun, and challenged therefore by their presbyterie and pastors, have accesse to court during the tyme of their processe.

" That the late reconciled Papists are not urged to performe the conditiouns agreed to by them at their reconciliatioun to the kirk.'

REMEDEIS OF THE FORMER EVILLS.

" The Generall Assemblie having entered in consideratioun of the causes of the said great and fearefull defectioun of all estats of persons within this land, from the true and sincere professioun of the gospell presentlie sounding within the same; and having found the principall causes of this fearefull change to be, no doubt, the just wrathe of God kindled against the whole land, for the unreverent estimatioun of the gospell, and for the sinnes of all estats, and dishonouring of their professioun, and making the name of God to be blasphemed by the profane world without remorse: Which horrible judgements have fallin in everie estat, for the contemptuous hearing of the Word of God, in so farre as there is none that have worthilie esteemed the said pretious Word, according to the

dignitie therof: Therefore, and for removing of the former evills and causes, and farther judgements, if they be not prevented by speedie repentance, this Assemblie has concluded and ordeanned a generall humiliatioun to be keeped solemnelie throughout the whole land, with fasting and prayer, two severall Sabboth dayes, in all congregatiouns, both in burgh and land, within this realme; and likewise in burrow touns, to be observed throughout the whole weeke, betuixt the said two Sabboths; and the causes of the said humiliatioun to be onlie the sinnes of the land, by the which the professioun of the gospell has beene dishonoured, and the wrathe of God provoked. Which generall humiliatioun is ordeanned to be upon the two last Sabboth dayes of Junie nixtocum.

"The unplanted kirks would be effectuallie recommended unto his Majestie's care, whose authoritie onlie is able to accomplishe that worke; and for the better furtherance therof, that his Majestie would caus take heed, that the thridds be keeped unvitiated.

"Nothing more necessar nor to have his Majestie's hous, the erles' houses, and places of their residence, and other places of cheefest importance, as the toun of Dumfreis, to be weill planted with learned, wise, and godlie persons. And where the laike of provisioun might be a hinder to the present planting, as at the erles' houses, it were requisite for a tyme, that the meetest for that purpose, not being in places where the causes may be so farre interest by the want of a resident pastor, sould be transported from their owne places, to remaine for a quarter or a halfe yeere, that a substantious meane might be found out for a constant provisioun and planting of these rowmes; by whose labours, in the meane tyme, the erles and their famileis might be confirmed in the truthe, and the enemeis debarred from their companeis; and therafter, to returne to their owne charges, the presbytereis, in the meane while, taiking order for the helping of their kirks, in the tyme of their absence: and to that effect ordeans Mr George Glaidestains to await upon the Erle of Huntlie; Mr Alexander Lindsey and Mr William Cowper upon the Erle of Erroll; Mr James Law and Mr

Johne Spotswod upon the Erle of Angus; Mr Johne Carmichaell upon the Lord Hume; Mr David Lindsey and Mr Johne Hall upon the Lord Hereis.

"That a petitioun be givin in to his Majestie and Secreit Counsell, desiring that these whom his Majestie knowes, or sall know heerafter, to deale in favours of professed traffiquing Papists, farther nor the lawes of the countrie sall permitt, sall be compted and holdin as men suspected in religioun, and sall not have the honour to be in his Majestie's hous, counsell, or sessioun.

"*Item*, That it be craved likewise of his Majestie and Secret Counsell, that all Papists, men and weomen, challenged by the kirk for their religioun, and not satisfeing the kirk for the same, be discharged to resort to court, whill they have satisfied, and bring from the presbytereis of their bounds a sufficient testimoniall of their obedience.

"*Item*, For discoverie of the adversareis of the true religioun, lurking within this countrie, it is ordeanned that everie presbyterie, immediatlie after the dissolving of this present Assemblie, take up the names of the non-communicants within their bounds, and send them to his Majestie's ministers with all expeditioun, subscribed by the Moderator and clerk of the presbyterie, and minister of the parish; and that from this tyme furth, at everie Provinciall Assemblie, the names of the non-communicants be tane up, and sent to his Majestie's ministers.

"*Item*, That it be enquired anent the late reconciled lords to the kirk, by the presbytereis where they make residence, whether they have keeped and performed the articles subscribed by them at their receaving; and that they be urged severallie to perform everie one of the said articles; and if they refuse, that the presbytereis certifie the king's Majestie's ministers therof.

"*Item*, For eshewing of farther evill which might come to the estat of the religioun by the evill educatioun of the youth furth of the countrie, it would be craved of his Majestie and Secreit Counsell, that suche noblemen and others as direct a pedagogue with their sonnes furth of the countrie, that their pedagogue be knowne godlie, and of good religioun: learned and instructed in the same, and approved

in his religioun by the testimoniall of his presbyterie: that their remaining furth of the countrie be in the places where the religioun is presentlie professed, or, at the least, where there is no restraint of the same by the crueltie of inquisitioun: that during the tyme of their absence, they sall not haunt anie idolatrous exercise of religioun: and suche as have not the moyen to susteane a pedagogue with their sonnes furth of the countrie, that they send them to suche parts where there is no restraint of religioun. And in cace their sonnes, after their departing out of the countrie, haunt these parts where the professioun of the true religioun is restrained, that they find cautioun not to interteane them. And in cace anie that passe furth of the countrie, embrace anie other religioun than that which is presentlie professed within this realme, that they sall not be able to bruike moyen, heritage, honours, nor offices within this realme: and this to be an exceptioun against the service of their breeves, and at the tyme of the admissioun of them to anie office or honours. And in cace anie of their parents contraveene anie of the premisses, that they incurre suche paine as his Majestie and Secreit Counsell sall modifie; and that suche as are alreadie out of the countrie, ather be called backe again, before a day to be appointed by his Majestie and Secreit Counsell, or ellis, that their parents be subject to the like conditions as is before sett doun.

"*Item*, It would be craved of his Majestie and Secreit Counsell, that all skippers, mariners, and owners of shippes, be inhibited that they bring anie Jesuits, Seminarie Preests, declared fugitive tratours and rebells within the countrie; but suche as they know to be of good religioun, or have sufficient testimoniall of their honestie in religioun, from the places where they have beene conversant, under the paine of escheatting of their whole goods; and under the same paine, that they deliver them in the hand of the magistrat of the toun or port where they sall happin to arive at, there to be keeped, ay and whill they be examined and tryed, and his Majestie's warrant obteaned for their libertie, after they have beene tryed and found honest in religioun; and sall keepe them, their bookes, goods, and gear, in shipboord, ay and whill they receave a warrant of the ordinar magistrat for the releeving of the same: and to that effect,

that they sett none upon land, but in commoun ports, where there is a magistrat to receave the passingers off their hands.

"*Item*, That his Majestie be earnestlie dealt with anent the removing of his daughter out of the Ladie Livingston's companie, in respect of her obstinat continuing in the professioun of Papistrie. (For the which caus, his Majestie being requeisted by the whole Assemblie, promised, that his Hienesse' daughter sould be transported betuixt and Mertimesse nixtocum, to his owne hous.)

"And becaus the non-planting of kirks is a great part of the wyte of defectioun from the puritie of religioun, and that the best way for planting of the said kirks is, the furtherance of the constant platt for locall stipends to be appointed to everie kirk within the realme: Therefore, the Assemblie has ordeanned the brethrein following, viz.: Mrs David Lindsey, James Nicolsone, Robert Pont, Patrik Galloway, George Glaidstains, Johne Nicolsone, or anie three of them, to conveene upon the first day of Junie, with my Lords Chanceller, President, Secretar, Collector, Comptroller, Sir Patrik Murrey, and Mr George Young, to treate and advise upon suche overtures as, by their commoun consent, sall be found most meete and expedient for the advancing of the said worke of the constant platt; and to lay doun suche grounds as they sall finde most profitable for prosecuting of the same, and to report their diligence to the nixt Assemblie," &c.

The king was headstrong notwithstanding to have the ministers of Edinburgh transported. When that mater came before the privie conference, the brethrein were all earnest with the king for reponing of them in their owne places. The king said in a rage, "What, are there not some of you that said to me, when I putt them out, Now, Sir, if ever they anger you againe, blame your self!" The day after, the privie conference desired a number of brethrein to be sent from the Assemblie, to assist them in that sute. But before they came, it was voted in the conference; and all voted for transportatioun, except Mr Andrew Melvill, Mr Johne Carmichaell, and Mr Johne Knox, Mr Patrik Simsone. When that mater came in publict before the Assemblie, the mode-

rator, Mr Johne Hall, formed the state of the questioun thus: Whether it were more expedient to lett Edinburgh ly destitute as it is presentlie, or to transport the three ministers, Mr William Watsone, Mr James Balfour, Mr Walter Balcalquall, in respect of his Majestie's declaratioun; and rehearsed the proceedings in the conference. But Mr Johne Knox rehearsed the same in a more favourable maner. Mr Robert Wallace and Mr George Gladestains were appointed to reasoun. But the king himself answered, and replyed most to Mr Robert, or anie other that spake in that mater. The king's cheefe argument was, that he himself, who was a principall parochiner in his cheefe citie, could not be edified by them. Mr Adam Colt answered, that by that reasoun, when he is angrie at anie minister in the countrie, he may, if he will, have him transported, the preparative wherof had alreadie past in St Andrewes, which was verie dangerous. The king called him a seditious knave, and asked, Why he supponned suche a thing? "I suppone," said he, "Mr Adam Colt would steale neate: then, he sould be hanged." Johne Johnstoun of Elphinstoun, and George Heriot, had a commissioun from the toun of Edinburgh to sute for their owne ministers, and to protest against the planting of anie other. The king sent a minassing letter to the toun counsell, with a postscript writtin with his owne hand, wherin he threatned to remove the sessioun, and remember the seventeenth day of December. So the counsell renewed their commissioun, and referred the mater to the Assemblie. Five-and-fiftie voted to their transportatioun; eight-and-twentie against it; six, *non liquet.* The two commissioners of Edinburgh protested that their transportatioun sould not be prejudiciall in tyme comming to their reponning, when it sould please the king and the kirk to be pleased with the same. The king promised to submitt himself for Mr Walter's part to Mr Patrik Galloway, Mr Robert Pont, and Mr David Lindsey, and that he would be content the other two be planted in their rowmes, who are to come to Edinburgh. "As for Mr Robert Bruce," said he, "I can say nothing of him, becaus he is out of the countrie."

The act and protestatioun heere follow :—

"The Generall Assemblie, for causes and considerationns moving them, hes ordeanned Mrs James Balfour, Walter Balcalquall, and William Watsone, to be transported out of their owne places of their ministrie in Edinburgh, and planted in suche places as the commissioners deputed by this present Assemblie thinke expedient. And likewise ordeans the said commissioners to plant suche others of the ministrie in their places in the kirk of Edinburgh, as sall be found expedient for advancement of the glorie of God within the same."

"The commissioners for the toun of Edinburgh, viz., Johne Johnstoun and George Heriot, protested in name of the said toun, that seing the Generall Assemblie had ordeanned their ministers above named to be transported furth of Edinburgh, the said toun sould be free of their burthein from the tyme of their present transportatioun; and that the said transportatioun sould not be prejudiciall to them in anie tyme heerafter, but that they may be reponned in their owne places, when it sould please his Majestie and the kirk to like weill therof. Which protestatioun his Majestie and whole Assemblie willinglie agreed unto; whereupon the said commissioners asked instruments."

The Generall Commission was renewed in the last sessioun, as followeth :—

"The Generall Assemblie having rypelie weyghed the necessitie of appointing commissioners from this present Assemblie, not onlie to advise and await upon suche effairs as sall be for the weale and utilitie of the kirk of God, but also in giving advice unto his Majestie anent the holding furth of the enemeis of the same when they sall be required by his Hienesse thereto; Therefore, the brethrein conveened in this Assemblie have givin and granted, lyke as they, by the tenour heerof, give and grant their power and commissioun to their brethrein, Mrs Alexander Dowglas, Johne Strathauchane, Peter Blekburne, George Monro, James Nicolsone, Andrew Leitche, Alexander Forbesse, Patrik Simsone, William Cowper, Alexander Lindsay, George Gladestains, William Scot,

Johne Caldcleugh, Robert Wilkie, David Lindsey, Robert Pont, Johne Spotswod, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hammiltoun, Alexander Scrimgeour, David Barclay, with the king's Majestie's ministers, or anie nyne of them: Giving, granting, and committing unto them their full power, to plant suche kirks in burrow touns as are destitute of pastors in generall; and speciallie, to plant the kirk of Edinburgh, vacant by transportatioun of the ministers therof. With power also to plant Mrs James Balfour, Walter Balcalquall, and William Watsone, ministers transported out of Edinburgh with his Majestie's advice, in suche convenient places as they sould find expedient for the glorie of God. With power also to transport anie of the ministrie within this realme from their owne places where they presentlie serve, and to place them in the said vacant places of the kirk of Edinburgh; in the planting wherof they sall take the advice of the Presbyterie of Edinburgh, according to the acts of the Generall Assemblie made of before.

"Attour, if it sall happin the king to be greeved at anie of the ministrie for whatsomever enormitie committed by them against his Hienesse, with power to them, or anie nyne of them, as said is, to try and cognosce therupon, and to take suche order theranent, as they sall finde most meete to the glorie of God and the weale of the kirk. And, finallie, with power to them to present the greeves and petitiouns of this present Assemblie to his Majestie and Secreit Counsell, and generall conventioun of the estats and parliaments, if anie sall happin to be, and to crave redresse of the same. *Promitten. de rato.*"

A commissioun of visitatioun was granted likewise in this sessioun to some ministers, the tenour wherof followeth:—

"Forasmuche as in the Generall Assemblie holdin of before, it has beene verie wiselie considered that there has beene nothing more profitable for advancing the glorie of God by the preaching of the Gospell, than appointing of commissioners for everie shyre within this realme, whose care and diligence sould be, partlie to try the life, doctrine, and maner of conversatioun of the ministrie

in the bounds committed to their visitatioun, and partlie, to plant the kirks which as yitt ly destitute of the confort of the Word, by dealing with suche as have the kirk livings in their hands for a reasonable moyen, to susteane a minister at everie kirk within this realme: Which lovable custome this present Assemblie being mindefull to prosecute: Therefore, has givin and granted, lyke as they, by the tenour of these presents, give and grant their full power and commissioun to their brethrein, to visite the bounds particularlie after specified, viz., to Mrs Robert Pont and Robert Durie, for Orkney and Zetland; to Mr George Gladestains, for Cathnesse and Sutherland; to Mrs Alexander Dowglas and Alexander Rawsone, for Rosse; to Mrs George Hay and Alexander Crumbie, for Murrey; to * * * * Mr George Gladestains, for Aberdeene; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull; for Fife, Mrs James Nicolsone and Robert Howie; for Lothiane, Mrs Patrik Simsone and Henrie Livingstoun; for Merce and Teviotdaill, James Gibsone and Mr Adam Colt; for Cliddisdaill, Mrs David Lindsay and Johne Spotswod; for Irwing and Air, Mrs Gawin Hammiltoun and Andrew Knox; for Annerdaill, Mrs Johne Knox, Patrik Schaw; for Nithisdaill and Galloway, Mrs David Barclay, Alexander Scrimgeour, and Nathaniel Inglis: With power to them to try the brethrein of the ministrie within the bounds particularlie above designed, in their life, doctrine, qualificatioun, and conversatioun; and how they have behaved themselves tuiching the rents of their benefices, whether they have sett tacks of the same but consent of the Generall Assemblie or not, and so delapidated the same: to depose suche as deserve depositioun; to plant ministers in suche places as have not beene planted heeretofore; and to that effect to deale with the tacksmen of everie parish kirk, for provisioun of a minister to their kirks, and to report to the nixt Generall Assemblie an answere of the tacksmen in writt, concerning the planting of the kirks wherof they possesso the tithes, and to report their diligence to the nixt Assemblie. *Promitten. de rato.*"

ACTS.

In the thrid sessioun, the acts made in former assembleis tuiching the discharging of particular applicatiouns to be made in the exercises, and young men not admitted to the ministrie to preache in the cheefe places of the countrie, were ratified; and it was ordeaned, that the same sould be putt in executioun, under paine of incurring the censures of the kirk. More had beene assayed to advance their course, if feare of oppositioun, and the care the king had to conquise the hearts of the people, had not hindered.

In the last sessioun it was meaned by sindrie of the brethrein, that there were sindrie errours in the vulgar translatioun of the Bible, and of the Psalmes in meter, which required correcting; as also, that there were sindrie prayers in the Psalme Booke that were not convenient for the tyme. It was therefore concluded, that, for the translatioun of the Bible, everie one of the brethrein, who had greatest skill in the languages, imploy their travells, in sindrie parts of the vulgar translatioun of the Bible that needed to be amended, and to conferre the same together at the nixt Assemblie. As for the translatioun of the Psalmes in metre, it was ordeaned, that the same be revised by Mr Robert Pont, and that his travells be revised at the nixt Assemblie. It was thought good, that the prayers alreadie conteaned in the Psalmes Booke be not altered nor deleted; but if anie brother would have anie other prayers meete for the tyme added, lett the samine be first tryed, and allowed by the Assemblie.

In this sessioun, the Assemblie ordeaned, that in everie Assemblie which is to be conveened in tyme comming, suche as sall be appointed commissioners from the Generall Assemblie, till the nixt following, sall give an accompt of their proceedings during the whole tyme of their commissioun, in the beginning of the Assemblie, before anie other caus or mater be treatted; and their proceedings to be allowed or disallowed, as the Assemblie sall thinke expedient.

THE KING'S VOWES AND PROTESTATIONS BEFORE THE ASSEMBLIE.

About the end of the Assemblie, the king discoursed upon the duetie of good kings in making and executing good lawes, confessed his owne negligence, craved God's mercie; vowed solemnelie, holding up his hand, to execute justice faithfullie, to defend religioun, to discredit all suche as in tymes comming sall preasse to hinder him in the executioun of justice, or attempt anie thing to the prejudice of religioun; and desired all that were present to vow to assist him to that effect, which they did. Manie were moved to teares. Mr Johne Hall desired the brethrein to give his Majestie a meeting, by interteaning a good estimatioun of him in the hearts of the people, which he desired them to vow, by holding up of their hands. And this, indeid, was the thing that was aimed at by his vowes and protestatiouns, viz., to winne the hearts of his subjects, which were alienated in a great measure from him for sindrie causes. It was desired likewise, that this mutuall covenant sould be intimated to the people the nixt Sabboth.

MR J. DAVIDSONE WAIRDED.

Upon the Lord's day, the 24th of May, Mr Johne Davidsone was charged to compeare before the counsell, upon the 26th of May. The king sent a letter to the counsell, to caus him be wairded in the Castell of Edinburgh, in anie cace whatsoever. He compeered; and being urged to answere, whether the letter which was shewed to him were his, he granted. Being removed, a charge in writt is sent furth to him, to enter in waird in the Castell of Edinburgh, before seven houres at night, under the paine of rebellioun. After he had writtin a letter to the king, at the desire of some brethrein, he went to the castell, and entered in waird.

MR DAVIDSONE'S WAIRD CHANGED.

Upon Wednisday, the 27th, Mr Patrik Galloway, Mr Johne Hall, Mr Peter Hewat, caried his letter to the king, and brought backe with them the warrant following, to transport him to his owne hous, there to remaine till farther tryell:—

"REX.

"Wee, by the tenour heerof, in respect of Mr Johne Davidsone, minister's, present disease and infirmitie, transport his waird from our Castell of Edinburgh to his owne loodging in Preston Pannes, and ordeans that he sall not passe furth at the doore of the same, to anie other part, but to his owne yaird, adjacent therto, till he be farther tryed in that mater for which he is challenged, under the paine of disobedience. By these presents subscribed with our hand. At Dalkeith, the 27th of May 1601."

MR DAVIDSON'S LETTER TO THE KING.

Mr Davidsone wrote a letter to the king, at the desire of his moyeners, alledging it was the king's minde.

"*Grace and peace.*

"Understanding, by the brethrein, of your Majestie's gentle acceptatioun of my rude letter, and that your Majestie's will was, that by letter I sould supplee conference by presence, for declaratioun of my purpose in that letter to the Generall Assemblie, and of my duetifull minde and sincere affectioun toward your Majestie in the same; I have most willinglie acquiesced to your Majestie's will and pleasure theranent, protesting in the entrie, without flatterie or feare, what your Majestie can doe to me for freedome of speeche, in truthe, according to my calling, that your Majestie's salvatioun and weelefare in soule and bodie is most deere unto me; and that of purpose, I would not minister occasioun of anger or greefe unto

your Majestie, by thought or deid, by word or writt, for all the good in this world: for we sould make conscience of this mater, as the apostle teacheth. And full sorie am I, if I might amend it, for the manifest greeves that your Majestie has, from tyme to tyme, in that weightie charge, that no flesh can be privie to but yourself: which, I am afraid, sall make manie to mourne, which now take little true thought or care of the mater, when they may not amend it: wherof, as I have the testimonie of conscience, so my continuall and heartie prayers to God, publict and privat, for your Majestie's long, prosperous, and happie standing in the feare of God, will witnesse the same to the world, in despite of devill and man. Yea, I am of that minde, that God sall once move your Majestie's heart to acknowledge, that according to my ranke and meane gifts, I have beene a faithfull subject unto your Majestie, and a true servant of God, before yee goe out of this world, notwithstanding all the misconstruing of my good meaning, saying, and doing, towards your Majestie, by misreports; for otherwise, verie small is the occasioun that ever yitt your Majestie had to try my loyaltie and sincere affectioun by anie familiar proofe. True it is, indeid, that partlie my plainnesse, and partlie conscience in my calling, to condemne sinne and iniquitie in all persons, (wherunto, naturallie, all fleshe is subject,) moves your Majestie now and then, to have my maner of dealing in some jealousie, which otherwise, no doubt, is most wholesome for all men, and, namelie, for persons in high estat, whom, often tymes, flatterie has brought to ruine, as historeis of all sort and daylie experience doeth declare.

"Now, as tuiching that letter, the drift and end therof (wherunto the whole letter is to be referred) is, to move the Assemblie, to whom it is directed, to discharge their ecclesiasticall office to the uttermost, for repressing and removing of idolatrie, which now so insolentlie beginneth to sett out the head, in this land. The whole discourse of the letter serveth as an amplificatioun of arguments to this purpose, by certan interogatours, and proleptick answeres, to tacite objectiouns that some ministers might make to the contrarie; and in the end, that if anie of them yitt will be

hinderers heerof, that the kirk esteeme and use them as enemeis and schismaticks. Of which my meaning, my speeches in the last Synodall of Lothiane, in Tranent, had to Mr David Lindsey in particular, in name of the rest of the commissioners, (then all but he absent,) may be a most plaine commentarie, where, in effect, I had the same words that are in the end of that letter, tuiching *Egregium bellum*, etc.; as Nazianzene useth the same in the Greeke tongue, in the like cace, wherof, with much more spokin then to that effect, in most plaine termes, lett the whole Assemblie beare witnesse. And I am perswaded, that Mr David himself being demanded of the truthe heerof by your Majestie, sall not denie it. And so, the whole speeches of that letter, in my intent and purpose, are properlie to the Assemblie, and of their dueteis to assist your Majestie according to their callings, effaldlie and zealouslie, to the rooting out of idolaters and idolatrie, not by way of blood, (for I meane not so, except they offer violence to your Majestie, which God forbid;) but by execution otherwise, of good lawes made theranent, for their departing furth of the land, for avoiding of trouble of the kirk and commoun weale; and otherwise wilfullie polluting the land, the law of God, and lawes of the realme, may strike upon the obstinat rebellers of what ranke soever they be. The caus why I subscribed not the letter was onlie, least the basenesse of the person might bring anie prejudice to the caus in hand, as some tyme, in like caces, cometh to passe, as we read in *Plutarche de Civile Institut.*, of one Demosthenes, in these words translated in Latine: 'Lacedemone vero, Demosthenes quidam in senatu, autor sententiæ fuit satis salutaris, et rei de qua agibatur satis idoneæ, ad quam repudiandam pro dignitate autoris, visus est, senatus propensior,' etc.

"Thus candide and truelie, I have exponed my meaning in this cace, beseeking your Majestie benevolentlie to accept therof; and, according to your promise made in the Assemblie, to the great confort of all the godlie in Scotland, and answering in a maner to the contents and requeist of my letter, courageouslie to goe fordward in prosecuting the same, as your Majestie has begunne, better

both tuiching administratioun of justice, and mislyking of the adversareis and their course, nor we of the ministrie in our callings, and other estats in theirs, have yitt assisted and concurred with your Majestie to that effect. And so, for my owne part, readie to satisfie farther at your Majestie's pleasure, I will continue my earnest and heartie prayers to God, for your Majestie's long and prosperous raigne amongst us; for I desire never to see another king of Scotland with myne eyes. I speeke it truelie from myne heart, wherof what I spake publictlie at the last foresaid synodall, exhorting all the brethrein never to forgett your Majestie in their publict nor privat prayers, (which was most gladelie accepted of them all,) lett all that then were present beare witnesse. And so, craving pardoun for my long and evill scribled letter, through my weakenesse, I take my leave of your Majestie, expecting your Majestie's loving answere, with a warrand in writt, for restoring me to my wounted libertie, by this poore bearer, my wife.

"From my hous at Salt Prestoun, the penult of May, 1601.

"Your Majestie's most humble subject in the Lord, and presentlie wairder within my owne hous, at your Majestie's ordinance and command,

"Mr Johne Davidsone."

Upon Moonday, the first of June, he receaved some farther release, to witt, to exerce his calling in all the bounds of his parish. Not that the king was content with his letter, but onlie, as he said himself, for slander's sake, and giving offence to the people. The copie of the king's warrant followeth:—

"REX.

"Wee, by the tenour heerof, dispense with Mr Johne Davidsone, minister at Prestoun, to passe and teache at his ordinarie kirk, to visite the sicke, and to doe whatsoever belongs to his functioun, in quiet maner, within his owne parishe, so that he transcend not the bounds therof, but use this our dispensatioun during our will allanerlie, notwithstanding of our command to keepe waird

within his owne loodging and yaird; wherewith we dispense, he keeping himself quiet within the bounds foresaid. By this present, subscribed with our hand, at Dalkeith, the last of May, 1601.

"JAMES R."

Upon the penult of May, the Erle of Marr and the Abbot of Kinlosse, ambassaders, returned to Scotland. The proceedings betuixt them and Mr Robert Bruce, sent for by them to come to England, may be gathered out of the letter which Mr Robert sent to his wife, the 5th of June, the copie wherof heere followeth:—

MR R. BRUCE'S LETTER TO HIS WIFE.

"My Heart,—I receaved your letters this last Thursday, at night, the one dated on the thrid of Junie, the other dated on the secund, whereby I understand, that yee are desirous to know the particulars how farre I have condescended. Or I come to the particular itself: At my first entrie to the ambassader, (wherin I was crossed verie Judastlie by Mr Andrew Lamb, suppose I covered it,) I shew my Lord of Kinlosse what I was content to doe, and not content to doe. I was contented, seing that the parliament, which is the great assise of this countrie, had found and tryed these persons to be guiltie, and that upon their conscience, and so, the civill tryell had gone before me, I was content to find myself satisfied to rest there, and to speeke nothing to the contrare; for it becomes a subject to reverence the law of the countrie, namelie, when he knowes nothing certanlie to the contrare. And this is not onlie my judgement, but the judgement of the whole honest brethrein of this countrie. When I was at Londoun, they shew me, that they were urged tuiching Essex, as I was urged tuiching Gowrie; and as they were content to reverence the law, to trust and rest satisfied tuiching the tryell of that great assise that past against Essex, so I am content, to content me for the present with that tryell that past against Gowrie. And as they were not content to publishe Essex his treasoun from the pulpit,

from their owne knowledge, and from their owne perswasioun, no more was I content, but refused to publishe it from my knowledge, and from my perswasioun; for as to me, I was never perswaded of it, and shew my Lord of Kinlosse and my Lord of Marr, that it was not possible to anie man to be fullie perswaded, or to take on their conscience, but so manie as saw and heard. And at the first, both the lords said that they would not urge me, nather with my conscience, nor with a full perswasioun, nor with preaching nather; and to trust and reverence the law as becomes a subject, I was weill content.

"With this they were content at the entrie, and continued content a long tyme whill neere the end. A little before my away-going, they beganne to cast at my hand, and my Lord of Kinlosse by name shew me plainelie, that the king would not stand content with my distinctioun: I behoved ather to find myself fullie perswaded, and resolved to preache it, or ellis there was no libertie for me. Then I beganne to find fault, that they were once content and satisfied with my answeres, as I had writtin both to France and Scotland; and now, since they had drawin suche service out of me, as, indeid, was verie stedible to the caus, they cast at my hand, and keeped not tuiches to me, and sought of me things impossible; yea, the verie perswasioun, that I could not gett to the articles of my owne beleefe, that they craved of me, in so doubtsome a mater. 'What,' sayes my lord, 'are yee not fullie perswaded of the articles of your beleefe?' 'Not, my lord,' said I, 'as I sould be: if yee and I both were fullie perswaded, that there were an hell, we would doe otherwise nor we doe.' And so, after manie sharpe and spytefull taunts and speeches, both publictlie and privatlie, we dismissed our conference, so that I looked for nothing but extremitie. I durst not byde rom my lord's table for suspicioun: and when I was at it, I know myself if I was greeved or not. I found, indeid, great courtesie by some of the servants, namelie, of Mr Johne Archibald; but, indeid, otherwise, I found my self not in myne owne element. There were certan honest men waiting on, that would faine have convoyed me homeward.

They urged me to speare and to know, when it would be leasome for me to goe. But they would tell me nothing, nather whether I sould goe backeward or fordward, home or a feild; and to terrifie me the more, they would not have you to come to me in English ground. I boore with all this as I might. I tooke Mr Andrew Lambe, and one Montgomerie, a Scotish man also, who uttered his minde cleerelie to me, and oft tymes upbraided me, to see if they could draw speeches out of me. But I thanke God, suppose it was not without a battell, I suffered their persecutioun. So I continued a long tyme, and still haunted my lord's hous, notwithstanding, whill it came to the point of their away-going.

"Upon the point of their away-going, they tooke up themselves; and, first, Mr Edward sendeth for me, and I and he entered in conference; and he shewed me, that he trowed that preaching sould not be sought of me, in respect it was not needfull, becaus the mater was alreadie buried. And as to my perswasioun, they sould make no mentioun of the fulnesse of it: they sould onlie hold them on the generall, that I was contented and resolved to trust and reverence the tryell that was alreadie tane in parliament. 'Hold you in the generall,' say I: 'move no particulars to me, and I sall move none to you.' So he dimissed me; onlie said this, 'My lord will speeke with you himself, the morne.' 'What needs that?' said I: 'Can yee not speeke all that he can speeke? for I have no will that my lord and I sould crosse other.' Sayes he, 'Yee may hold you on the generall, as yee have spokin to me; for that is one; my lord will speeke with you.' 'Weill, since it can be no better, I sall make me for it.'

"So, upon the morne, which was the verie day that he went away upon, my lord sent for me, and I came to his lordship. And so, to be short, my lord beginnes: 'I thought meete, Mr Robert,' sayes he, 'to heare out of your owne mouth, how yee are yitt resolved, tuiching this mater; for I must make my report therof to his Majestie.' 'My lord,' say I, 'your lordship knowes that his Majestie, in the Castell of Stirline, before the counsell, urged me with a full resolutioun: for, suppose I said to his Majestie, as

your lordship remembers, that I was in the way of resolutioun, and if Andrew Hendersone died constantlie with this depositioun, I sould find my self also fullie resolved: but his Majestie chopped ay on that word, FULLIE; and becaus I was not fullie, therefore he banished me. Wherefore, if your lordship stand upon suche termes, as to crave a full perswasioun or resolutioun of me, I have that same answere to give.' So my lord answered, 'We will not trouble you with that, nather with conscience, nather with a full perswasioun or resolutioun: but answere me,' sayes he, 'to this onlie: whether are yee resolved to trust it or not?' 'I sall answere your lordship directlie,' said I: 'In respect of the civill tryell that is alreadie past in the parliament, I thinke it becomes me, and I am alreadie resolved to trust it, and reverence it.' 'That is eneugh,' sayeth he; 'now, that satisfieth me. I sall once putt you and the king together, and yee sall dresse out the rest of it among you.' So we agreed fullie in termes. But Mr Edward and I entered after, what my lord sould meane by yon words, 'To putt me and the king together.' 'He meanes,' said Mr Edward, 'that he will make you ance a Scotish man, and then lett the kirk and you just out for the rest of it.' 'Yea, but my lord,' sayes I, 'that is not eneugh; for that is but the beginning of a plea: for his Majestie may preasse me with giving in of my bill, and preaching of it, as he did the rest; and if I refuse, putt me in a straiter waird and trouble worse nor I am. Therefore, I pray you, betray me not, but deale faithfullie with me.' Sayes he to me, 'The worst that sall be, sall be banishment again.' 'Yea, but my lord,' say I, 'I have no will to come in that hazard, for if yee banishe me again, yee will not lett me looke heere away.'

"So, my Heart, howsoever they gave me faire words after this, and said, they sould warrant it sould never come to this, yitt assure you, I feare them greatlie: for it was in the mouth of manie of their servants, as I tryed, what satisfactioun the king could gett for my obstinacie, if I preached it not, and came not to a publict confessioun, als weill as the rest. Maistresse Bowes spake with my Lord of Marr, even in the by-going, when I was at Esk, and

requeisted his lordship for me, and shew that it was not reasonable that I sould be urged to preache it; yitt he gave so cold an answere to that, that she had no good hope of it. Therefore, I pray thee be wise; and if they will assure thee that the king is satisfied, as they are satisfied, with this generall, and that there is no farther to be layed to my charge, I will come in, and verifie to his Majestie that I have spokin: but if they say onlie, that they will bring us together, and lett the kirk and us agree amongst our selves, I compt not that a benefite; lett me stand where I am; take no warrant that way, for I had rather yitt be banished England and Scotland by his Grace, ere they were able to staine the glorie of my ministrie. For this has beene my petitioun to God ever since I came out of France, and I tooke the sacrament of the Lord his bodie in France upon the same conditioun, that the Lord Jesus sould leade me safelie out of this tentatioun, without impairing of my unioun with him, without the hurt of the peace of my owne conscience, and without the losse of the credit of my holie ministrie in the hearts of his deere childrein. The Lord increasse my faith to looke for this, for I desire not my countrie otherwise. So yee have both the generall and particular, and all that was done by me, so farre as I can remember. If they will speeke otherwise, God will judge leers in his owne tyme.

"My Ladie Bowes has desired me to gar you try and inquire, if Roger Ashtoun has delivered suche things to the queen as she sent to her; and if he has delivered them as from her, that she may have her owne thankes. This doe secreitlie. My ladie will tarie heere yitt on you till Moonday or Tuisday, but longer she may not stay. Therefore, advise with God what yee may doe; for I thanke God, it is the weale of his worke in me that I respect above my owne pleasure: for if yee can trie that they meane not sincerelie, the sooner yee come unto me it is the better; that now, whill we have this licence, I may denude my self of suche things as I may putt safelie off my hands, in the persons of my childrein. So the Lord give us both an holie wisdom, and holie hearts to God, and in God to other. Yee may lett Mr James Watsone see this,

with a command of secrecie, that he may informe suche other freinds as be perhaps brought to doubt of me; and suche other freinds as yee thinke meete, make them partakers also. I have no caus nather to tyre nor distrust of God's providence, wherefore I sould choose iniquitie before afflictioun. Therefore, the Lord establishe my heart, by multipleing of his peacefull Spirit upon me, that I may dwell with him, and in him, for ever. I commend you and your childrein to the word of His grace. Off Beruick, the fyft of this instant of Junie.

"Your loving husband, not wearie, I assure you, of the Lord's crosse, but wearie of the treacherous flatterie of men."

Mr Archibald Oswald, minister at Pentcaitland, having visited Mr Robert at Beruick, reported to freinds, that Mr Robert remained still of the same judgement he was of before; save that he would acquiesce in the sentence of the parliament; and that he had susteanned great assaults with the good brethrein at Londoun, namelie, Mr Philips, misinformed by Mr Andrew Lamb, who accompanied the ambassaders.

Upon the 19th of June, the king's birth-day, Mr Walter Balcalquall re-entered to the exercise of his ministrie in Edinburgh.

MR P. GALLOWAY DECOURTED.

About the end of this moneth, Mr Patrik Galloway was removed from court, at the queen's instance. The king, at this tyme, promised to Mr Johne Hall, that the booke called "A Declaratioun of the King's Minde towards the Catholicks," sould never be sett furth.

BURLEYE'S BROTHER EXECUTED FOR THIFT.

Mr William Balfoure, brother to the Laird of Burlie, and a number with him, were executed at St Johnstoun, for thift and oppres-

sioun. Mr William was beheaded, and the rest hanged. Yitt, about that tyme, Huntlie obteaned favour to Captan Ker, guiltie of striking false coine.

THE DUKE OF LENNOX SENT IN AMBASSADGE TO FRANCE.

The Duke of Lennox was directed in ambassadge to France. He embarked at Leith, the tenth of Julie, accompanied with a traine of manie gentlemen. The points of his commissioun were not knowne. Mr Johne Spotswod, minister at Calder, now Bishop of Sanct Andrewes, went with him, to attend upon him; made no scruple to goe in to see a masse celebrated, and to goe so neere, that it behoved him to discover his head and kneele.

THE FYFT DAY OF AUGUST SOLEMNELIE KEEPED.

The fyft of August was solemnelie keeped in Edinburgh, by appointment of the king and counsell, with preaching before noone and after noone, for the thankefull remembrance of the king's deliverie that day. Bonefires were sett out after the after noon's preaching. That night, a tenement of land, neere the Abbey, with all the plenishing and moveables, was burnt, not by the bonefires, but through negligence of some persons in the hous. The day following was so stormie and windie, that the like was not seene that seasoun of the yeere for manie yeeres before.

Upon the 25th of September, Mr Peter Hewat, one of the ministers of Edinburgh, went to Beruick, with the king's letter and licence to Mr Robert Bruce to returne home. But the letter injoynned him to send first his resolutioun in writt, that the act standing against him might be delete. Mr Robert desired to heare from his Majestie, that he was satisfied with his letter, and that he would be no farther urged. Mr Peter returneth, and went again with an answere out of his Majestie's owne mouth, that he was satisfied with his resolutioun. Yitt Mr Robert was jealous, and stayed long in Beruick, till he tryed the soundnesse of the king's

minde; whill Mr Patrik Simsone, minister at Stirline, assured him by letter, that he might boldlie come home, for there would be no farther craved in that mater. Mr Patrik writteth to Mr Robert this letter following:—

"Right honourable and loving brother in Christ,—I have awaited this long tyme for some certantie in your effaires, and I was verie spairing to write, before I knew what to write. Now, it has pleased the Lord to bring your turne to some end: for my Lord of Marr, after long travells, obteanned a licence to you to returne unto your native countrie, to travell in anie part therof to doe your leasome bussinesse, onlie Edinburgh excepted, with some myles therabout; together with a dispensatioun with the act of counsell made anent your inhibitioun to preache in anie part of this countrie. Which part of the act also, the whole Generall Assemblie conveenned at Bruntiland, found fault with, and the king's Majestie promised, that that part of the act sould be deleted. Alwise, Sir, after this licence was obteaned, it pleased his Majestie to passe another, which is alreadie sent unto you. Yitt least yee sould be in anie doubt of my Lord of Marr's part, I will assure you, first, that my Lord of Marr made the cheefe travells to obteane it; nixt, that he obteanned the first licence. Onlie a blanke was left into it, concerning the number of myles about Edinburgh, where his Majestie would not have you to repaire. Before the blanke was filled, another licence was past, and sent unto you. I have spokin my lord in your turne, who is not greeved that anie other persoun have the name and honour of the travells that his lordship has tane. Onlie he is glade of your returning. And if yee please to have *ex abundanti* the licence his lordship obteanned, yee sall have it, together with his lordship's owne letter, wherin, I doubt not, but yee sall perceave that he is minded to procure all freindship unto you at his Majestie's hands that lyes in his power. My lord has beene plaine with me, that for the present the king can not be moved to agree that yee sould returne to Edinburgh. Alwise, brother, the heart of a king is as a boate upon the waters, and the Lord stirreth the rudder of it, as

His majestie pleaseth. Therefore, Sir, this present sall be, to beseeke you to make no delay of your returning, to the end we may injoy that benefite of your presence and ministrie, if it please the Lord, which strangers have injoyed this tyme bypast. Thus, remitting all other things till meeting, commends you to the protectioun of the Almightie. Frome Stirline, the 29th of September, 1601.

"Yours to command in Christ,

"PATRIK SIMSONE."

Mr Robert desireth Mr Patrik to bring with him the Erle of Marr's warrant, with the advice of some good brethrein. Mr Patrik went to Beruick, and delivered to him a letter from the Erle of Marr, with credit, wherupon he cheefelie leanned, and came in the countrie. He looked to have beene sett at libertie within eight dayes after he came, but he was commanded to keepe waird within his owne hous in Kinnaird.

THE SYNOD OF FIFE.

In the synod holdin at St Andrewes, the greeves for the present corruptiouns entered in the kirk were penned, and commissioners appointed to present them to the nixt Generall Assemblie. The Lord opened the mouth of Mr James Melvill to speeke freelie. Sir Patrik Murrey, the king's commissioner, sent Mr Robert Wilkie, rector of the universitie, to him, to assure him that the king had commanded him to give his letter, sent to the last Assemblie, to the advocat, to libell an accusatioun therupon against him; and to will him to be more calme; but to no purpose. Sir Patrik reported to the king, that since Mr James fell sicke, he was become more fierie nor Mr Andrew. The king hearing that he was not affrayed with threats, said he was become phrenetick.

MR H. BLYTH SUMMOUNED.

Mr Henrie Blyth was summouned to compeere before the king and commissioners for finding fault, in pulpit, with giving remissiouns for blood and recent murther, and worse remissiouns also, as he termed them, in generall. The brute went indeid, in the meane tyme, that the king had givin to Powrie Ogilvie a remissioun for traffiquing against the countrie and religioun, and for counterfootting the king's hand writt and great seale. Mr Henrie compeering, was desired onlie to be wiser in tymes comming.

In the moneth of December were slaine to the number of fiftie Scotish men at one tyme, in the Lewes, by the yland men. Certan gentlemen of the low countrie had informed the king and counsell, that the inhabitants of that yle were wicked and evill people, as they were indeid; that the land itself, if it were manured, was fertile, and the seas about were profitable for fishing; that none of the low countrie might repaire among them, to traffique, becaus sindrie of them were slaine. Wherupon the king dispouned the said yle and commoditeis therof, to some gentle men, barons of Fife in speciall. They bruiked it three yeeres or thereby; for they interteanned some men under wages, builded a strenth, and had slaine sindrie of the principall inhabitants of the yle: but after, they became more carelesse, and keeped not suche a companie of men under waiges. So the strenth was surprized upon the day foresaid, and few of the Lowland men escaped.

M.DC.II.

A CONFERENCE BETUIXT MR R. BRUCE AND SOME DIRECTED FROM THE KING.

The king appointed Mr Robert Bruce to come to Craigmillar, to conferre with some appointed by him. Mr Robert tooke Mr

Patrik Simsone with him, to be a witnesse of their dealing. So, upon the 15th of Januar, they mett at Craigmillar. They propouned three things to him: That he would approve the booke sett out upon Gowreis conspiracie; that he would purge the king in suche places as the king sould appoint him to preache in; that he would crave the king's pardoun for his long mistrust and disobedience. All the three were refused by Mr Robert. After long conference, they gave him some articles and instructiouns in writt, and craved his answere in writt, the tenour wherof followeth:—

INSTRUCTIONS FOR HIS MAJESTIE'S COMMISSIONERS DIRECTED TO MR ROBERT BRUCE.

"Whether if he be throughlie resolved now, of the forme and maner of that treasonable attempt committed against his Majestie at Perth; and speciallie, of his Majestie's honest minde, intentioun, and miraculous deliverie; and of Gowrie and his brother's vile and bloodie conspiracie, intended to the taiking away of his Majestie's life, as is particularlie sett doun in the printed booke, and acts theranent, or not?

"As his doubting of that turne has beene the principall caus of the doubt of manie, and of his Hienesse' slander in that point, if he be willing to utter in pulpit, in suche places as he sall be appointed, his resolutioun therin, according to the forme of the said articles, als cheerelie as anie his Majestie's good subjects have done; craving pardoun, and excusing his long incredulitie, and the slander arising therupon; and wishing the people that anie wise doubted therof, as they were ever readie to conceave doubts upon unjust grounds, onlie moved by his exemple, so now to be content, by his meanes, rightlie to be resolved therof.

(*Sic subscribitur*) "JAMES R."

MR ROBERT BRUCE HIS ANSWERE TO HIS MAJESTIE'S INSTRUCTIONS DELIVERED TO HIM BY HIS MAJESTIE'S COMMISSIONERS, WHO WERE SENT FOR THAT EFFECT.

" Seing his Majestie's commissioners have required me to give my answeres in writt unto certan articles givin unto them, under the name of instructiouns, I answere plainlie, that as tuiching that mater wherupon these instructiouns are past, I have alreadie satisfied, first his Majestie's ambassaders, as was appointed me; whose satisfactioun unto me, was his Majestie's satisfactioun. Nixt, when his Majestie craved my resolutioun in writt by Mr Peter Hewat, who was sent to me for that effect, I gave my resolutioun in writt. And suppose that Mr Peter then brought me a warrant to come home, yitt in respect his Majestie's letter, directed at that same tyme to me by Mr Peter, commanded me not to repaire within his Majestie's realme, whill his Majestie had first found satisfactioun by my writt, I did sua, and stayed till Mr Peter, who was his Majestie's mouth to me, plainlie testified by his owne writt, that his Majestie was satisfied: yea, I stayed long after, and all to be certified of his Majestie's satisfactioun; and found, so farre as I could learne by all men, that his Majestie would never putt me to farther trouble tuiching that mater. So, I can not but mervell greatlie wherupon these articles sould grow. These men who putt me to this bussinesse, doubtlesse invy my peace, and are no wise wearied of my long banishment. Yitt I will looke that a Christian duetie sall be keeped to me; that the faith that is givin me, both by word and writt, sall not be violated. And if these bands cannot bind Christians, what sall I say? I have a bodie and some goods: lett his Majestie use these, as God sall direct him; but as to my inward peace, I would pray his Majestie, in all humilitie, to suffer me to keepe it, as God of his mercie sall enable me. For I am of that minde, that no good subject has gone farther nor I have gone. And, therefore, if my weill were sought, the thing that I

have said behoved to give satisfactioun to anie reasonable man. This farre for answere to his Majestie's commissioners."

The secund answere is peremptour to the articles, and not dilatour, as the first was.

"Suppose this be my answere to you, brethrein, who are his Majestie's commissioners, (for it becomes me, with you, to stand upon my right and lawfull defence,) yitt, least this maner of doing sould appeare onlie a tergiversatioun in me, I answere to the substance of both the articles directlie.

"And first, where it is said that I am the principall caus, and, consequentlie, the principall author of his Majestie's slander: this is a verie heavie imputatioun, I grant; and if anie of my actiouns could produce this effect, as a proper effect flowing immediatlie from them, surelie, by all lawes, I behoved to merit great punishment. But how is this proved, I pray you? Becaus I doubted. I doubted, I grant, but not simplie: for, as his Majestie's subject, I never refused to doe the duetie of a subject; but as the mouth of God, to utter in pulpit under the authoritie of my calling, heere I behoved to stand, whill I gott verie good light; for I am commanded to speeke there from the Word, and from my owne perswasioun; to speeke as the oracles of God, and to doe nothing with a doubting conscience. So this my deid can not produce this as a proper effect: yea, how sould it be my deid, seing it was never in my minde; yea, the verie flatt contrarie? If I had knowne guiltinesse, as I know not, yitt, notwithstanding, to have procured his Majestie peace, both inward and outward, by all humble and loving dueteis that lay in my power. So, seing God and my owne conscience speekes for me, and cleeres me from that imputatioun, I regaird the slander the lesse, becaus he is onlie allowed whom God commends; and I [would] rather give my life, er it could be made out by anie necessar consequence in the world. But will yee suffer me to tell you the truthe, what was the great and principall caus of the people's doubting: the strait urging of the ministrie, the varietie of reports, and the spairing of Hendersone.

These are the true causes, so farre as I can gather. I had beene verie malicious, if that minde had beene in me; for I would have beene verie laith that anie sould have dealt so with my self.

"Now, nixt, as tuiching my preaching, I had never a calling of God, as yitt, to anie place in this land, save to Edinburgh. There I found His majestie's blessing in some measure. Place me there where God placed me, and I sall teache als fruictfull and wholesome doctrine to the honour of the magistrat, as God sall give me grace. But to goe through the countrie, and make proclamatiouns heere and there, it will be compted ather a beastlie feare, or a beastlie flatterie in me. And in so doing, I sould not exeeme doubts nather, but raise greater, doe no good to the caus, but great harme; for people looke not to words, but to grounds. And as to my self, I will ever be a partiall and spairing blazer of my owne infirmiteis. Others will be farre better heralds of my ignominie than I myself. My incredulitie has turned alreadie to my paine. And if it were leasome to speare, I would gladelie know these good subjects, that say they have uttered this forme of article in pulpit, as it is tuiched heere: I would wish they would putt their hands to it, that we might trust them; for writt is the surest and most diuturnall testimonie. Otherwise, they who speeke so, and make his Majestie beleeve they doe, but abuse his Majestie with words, and maske a fained heart with the vaile of fairded language, thinking thereby to devolve the whole weight of the former imputatioun upon me. But God, in his owne tyme, I doubt not, sall cleere me of it. And I beseeche the true and living God to teache me the art of right and duetifull obedience, and from my heart to rander all these humble and submissive dueteis that an obedient subject ought to rander to his prince, and to make me faithfull and upright to the end to Him that called me."

THE KING'S THRID SONNE BORNE.

Upon Moonday, the 18th of Januar, the queene was delivered of her thrid sonne, in Dumfermline, but he lived not halfe a yeere.

A brute went abroad at this tyme, that a Hieland man in Argile had learned some Irish verses in the night, by one that appeared unto him waking in a visioun, or in a dreame, whill he was asleepe. The sentence was found to be this,—that the king's second sonne, Charles, sould be a great prince, and mervellous in his deeds.

The commissioners of the Generall Assemblie wrote this letter following to the presbyterie of St Andrewes, the 20th of Januar. The letter was dytted by Mr George Gladestains, generall, and officious more to purchasse credit to the king and themselves, than out of feare of anie danger apprehended by them. Yitt, as Mr Andrew Melvill noted upon the backe of their letter, they would cry, "*Hannibal ad portas!*"

"To their right worshipfull Brethrein the Presbyterie of St Andrewes, Grace and Peace from God, the Father of our Lord Jesus Christ.

"RIGHT WORSHIPFULL BRETHREIN,—The manifold arguments of the fearefull judgements of God so evidentlie approaching, and tending to the troubling als weill of religioun as of the estat of this countrie, makes us to requeist you most effectuouslie, as yee tender the Gospell, the good estat of the countrie, and your owne quietnesse, and as yee will answere to the Lord upon your fidelitie, in the administratioun of his kingdom, that yee stirre up your graces to a zealous, wise, and faithfull diligence in your calling, according to the necessitie of the tyme, that by your labours and good exemple the whole people may be brought to seeke the Lord with unfained repentance. For this we certifie you, the cheefe hope of this case, so farre as we can perceave, will stand onlie in our teares and earnest prayers. And neglect no ordinarie meane, whereby your travells and credit may serve to strenthen the caus. Deale with all noble men, barons, and other cheefe men within your bounds, that they may apprehend the danger imminent to religioun, the libertie of the countrie, and their owne particular estat, if the factioun of the Spaniard prevaile in this yle. Perswade

them of the king's honest minde and steadfast resolutioun, to hazard his estat, life, and crowne, in the caus of the Gospell, with the standing and falling wherof he acknowledges his standing and falling to be inseparablie conjoynned. Assure them, also, of his Majestie's fordward resolutioun to execute justice against all sorts of malefactors, horners, and rebells of all estats. Marke carefullie the actiouns of all men, speciallie suche as ather for religioun or mislyking of the present governement, or for necessitie of their owne estat, are inclynned to novatiouns, and, troubling of the king's estate, and that yee see in anie kinde of extraordinar bussinesse, by their custome; and make the king's ministers advertised therof; and ceasse not, in the meane tyme, to bring them to a quietter minde; and be not slow to make all suche intelligence as yee can, that by ordinar meanes, so farre as is possible, the dangers may be prevented. For this effect, in all your ordinarie meetings at presbytereis, inquire among your selves particularlie what everie man knowes in the premisses; and take order for sending word theranent to the king's ministers, as yee sall be, God willing, more speciallie acquainted with the particulars that sall happin to fall out heere, als farre as may be divulgated without greater danger. We beseeke you, brethrein, take not these advertisements so carelesselie as in tymes past; for the estat of things goes harder than that we sould neglect them. The Lord give you wisdom, and blesse your labours. From Halyrudhous, the 20th day of Januar 1602.

"By your brethrein and fellow-labourers, the commissioners of the Generall Assemblie,

"D. LINDSEY. "Mr JOHNE KNOX.
"Mr ROBERT PONT. "Mr ANDREW LAMB.
"Mr P. GALLOWAY. "Mr JOHNE ABERNETHIE."
"Mr JOHNE HALL.

PAPISTS BORNE WITH.

Notwithstanding of this faire shew, the inhabitants of Dumfreis,

accused for going to the masse in the beginning of the same moneth, were for the most part suffered to returne home without punishment, after manie mirrie mowes past, becaus, as was alledged, they would not sweare their owne turpitude; though not long before, one of Pokileis gentlemen was executed upon his owne oath, for other maters. And not long after, in the moneth of Marche, Maxwell was wairded for the fashioun, and some others; but the Papists were not muche moved with the mater. Mr Johne Hammiltoun, the apostat, taught in Maxwell's galrie publictlie, a little before, upon Luke ix. 58, "The foxes have holes," &c.

A CONFERENCE BETUIXT THE KING AND MR R. BRUCE.

In the beginning of Aprile, the Erle of Marr direeted a letter to Mr Robert Bruce, at the king's directioun, to come to Brechin with diligence. Immediatlie before the recept of the letter, he was exercised in prayer, with shedding of teares. When he came to Brechin, als soone as the king saw him, he rose, and came fordward to the place where he stood, and looked, as appeared to Mr Robert, verie lovinglie. He caused voide the hous, none remaining but the king and Mr Robert. The king asked if he was resolved? He answered, "Yes." He asked nixt, what moved him? Mr Robert answered, Sindrie things, namelie, my Lord of Marr his deepe swearing; "for I thought," said he, "that a Christian of his qualitie sould not mansweare himself for all the geare in the world." "How could he sweare?" said the king; "he nather saw nor heard." "I cannot tell you that, Sir," said Mr Robert; "but, indeid, he swore verie deepelie." The king would understand what was the forme of the oath; which he repeated to him. "What was the caus then," said the king, "yee would not trust me?" "Sir," said Mr Robert, "your Majestie tooke no paines to informe me." "I sent," said the king, "Sir Thomas Areskine to you." "As for Sir Thomas," said Mr Robert, "I trusted him in a part; but there were other things that I thought hard." "What was that?" said the king. "That part which

concerned the Maister of Gowrie and your Majestie," said Mr Robert. "Doubt yee of that?" said the king; "then yee could not but compt me a murtherer." "It followeth not, if it please you, Sir," said Mr Robert, "for yee might have some secreit caus."

The king deduced the whole tragedie from the beginning; Mr Robert uttered his doubt where he found occasioun. The king heard him gentlie, and with a constant countenance, which Mr Robert admired. At last, the king urgeth him to preache the articles which were sent to him. Mr Robert answered, he had givin his answere alreadie to these aticles, and had offered to the ambassaders that which all men thought satisfactioun, yea, more than preaching. "What is that?" said the king. "That I will subscribe my resolutioun," said Mr Robert. "Trust yee it?" said the king. "Yes, Sir," said Mr Robert. "If yee trust it, why may yee not preache it?" said the king. "I will tell you, Sir," said Mr Robert. "I give it but a doubtsome trust; for I learne this out of Bernard: In doubtsome things, to give an undoubted trust, is temeritie; and in undoubted things, to give a doubtsome trust, is infirmitie." "But this is undoubted," said the king. "Then beare with my infirmitie," said Mr Robert. "But yee say it is more than preaching," said the king. "Sir, I ought to preache nothing but the Word of God," said Mr Robert. "Obedience to princes, suppose they were wicked, is in the Word of God," said the king. "I durst lay a wager there is no expresse word of King James the Sixt in the Scripture." "Yes," said Mr Robert; "if there be a king there, there is word for you also." "The whole kirk has done it alreadie," said the king; "yee must not be singular." "Sindrie have not done it," said Mr Robert. "Show me one," said the king. "Your Majestie must beare with me," said Mr Robert, "for it were against the rule of charitie to harme my brethrein." He desired the king to conveene the ministrie to see what they would injoyne him to doe. "That needeth not," said the king; "none darre, or will refuse, but yee; and, therefore, yee are the sole and onlie ground of my slander." Mr Robert, to

cleere him of this imputatioun, said, "I have offered to subscribe my resolutioun in what language your Majestie pleaseth, which none have done but I; and this is a diuternall and constant testimonie." "Where is your resolutioun?" said the king. "I sent it in writt to your Majestie," said Mr Robert. "That which yee sent was too generall," said the king. "But what fault find yee in my articles?" "I cannot remember all, but one thing I remember," said Mr Robert; "yee would have me to resolve according to your booke; and who can doe that?" "There is never a false word in that booke," said the king. "Yea, Sir," said Mr Robert, "there are sindrie." "Weill, then," said the king, "we sall putt out that claus out of the articles. What other fault find yee?" "I cannot remember now," said Mr Robert. "Have yee not the articles?" said the king. "I gave them to Sir Patrik Murrey," said Mr Robert. "I am sure," said the king, "yee have keeped the copie."

Mr Robert perceaving the king's drift was to urge him with farther, thought it not expedient to produce the copie. "Weill," said the king, "stay heere till Sir Patrik come." Yitt after supper, Mr Robert gott licence to returne home, till the nixt advertisement. Sindrie other things past betuixt the king and him in conference; as namelie, Mr Robert desired that he and others of the ministrie be not urged to hurt their consciences; and that his Majestie would not thinke that honest men would sell their soules, howbeit their bodeis and geare sall be at his command. "I understand not what yee meane," said the king, "by the selling of your soules; but I sall gar the best of you say, and gainsay." "That may be, Sir," said Mr Robert, "and that yitt they say not against conscience." "Yee sall not find the like in me," said the king: "my saying sall be alwayes one." "It setteth not to compare with your Majestie," said Mr Robert. He prayed in his heart all the tyme thus: "O Lord, keepe my heart unto thee, and save me from the danger that this traterous and false heart is lyke to cast me into."

MR J. MELVILL'S LETTER TO THE SYNOD OF FIFE.

Mr James Melvill being deteanned by sickenesse from repairing to the Provinciall Assemblie holdin at Cowper, in Aprile, wrote to the brethrein of the ministrie this letter following:—

"The Spirit of holinesse, wisdom, peace, power, and freedom, from God the Father, through the Lord Jesus, his Sonne, our Saviour, be among you, deere brethrein.

"Howbeit my disease be so notorious, that all this winter I have not seene my brethrein's face in our presbyterie, save once in passing by, nor my owne flocke's in their congregatioun, but twise or thrise, to my great greefe and sharpe correctioun, yitt I could not but according to the order, excuse my absence from you by writt. And least the writt sould seeme emptie, conteaning but a bare excuse, as also that my absence might be the easier comported with, I could not but communicat with you the things that are most in my minde at this tyme, as I hope they are farther and better in yours.

"First, That the mentioun, thought, and care of the commoun estat of our kirk, keepe and bruike the first place in your assemblie; and that nather forgetfulnesse, particular eare of our owne turnes, favour, nor feare of men, dispossesse the same. And howbeit it appeares that nothing can be helped or bettered in the same, yitt it stirreth up to prayer, and easeth a little the conscience, to have it motiouned among you, and regrated there before God.

"Nixt, I would wishe that everie man sould speeke there before God, in his assemblie, as he speekes with God in his conscience, namelie, being lightenned and wakenned by earnest meditatioun of the Word of God, and consideratioun of maters, how they passe conforme or contrare thereunto; and not to beare up for feare or favour of anie man, that which sould be uttered for the honour of our Christ; which may be a biting vaspe, to wanrest the conscience

therafter. For truelie, I am contrare in judgement to him who said he repented oftin of his speeking, but never of his silence. And certanlie, my silence (when required in my owne place, I might have freelie uttered my conscience, and by meditated reasouns stoutlie stood therunto) is now my sharpest accusatioun.

"Thridlie, The closing of that mouth which God opened so notablie, and undoing of that ministrie which was so steadable to the Kirk of Christ, and so powerfull in confort to the faithfull, and fearefull to the enemeis within the Sion of our Jerusalem, (I meane of that most faithfull servant of God, Mr Robert Bruce,) can not but highlie crab Christ, and make pastors in speciall to feele the dint of his wrathe, if they make not instant and faithfull wairning to the prince theranent.

"Fourthlie, In my judgement our assemblie cannot be sackelesse of the blood of the soules of the people of Dysert, if their minister be not helped, becaus it lyes in our hand to caus all our members doe that which becomes of conscience and duetie. And I trow there is none in conscience (except suche who, sitting in the verie court of conscience, cannot with patience heare conscience named) can thinke it tolerable that suche a living sould be uplifted by a minister, and his ministrie so weakelie mainteaned.

"And last, For the merceis of Christ, preasse with all possibilitie to purge these foule slanders which ly upon us; for, alas! we are farre from the holinesse of Christ's kirk, when we are suspected by our owne verie freinds of suche filthinesse, as is skarse named among the Gentiles.[1] But it is easier to prescribe nor practise. And, therefore, I beseeke the Almightie Prince of Pastors, to grant you both to will and doe according to his good pleasure. So, beseeking you, deere brethrein, to pray to God for me, ather to take me to his rest in mercie from this vexatioun, or grant me libertie to doe something in his worke heere, or then to be content with his good will and pleasure, howsoever it seeme to my sillie senses: for the cheefe challenge of my conscience, is unduetifull

[1] Mr Adam Mitchell, minister at Cowper, was slandered for adulterie.—*Note in the Original.*

negligence, when I might have done weill both to the commoun worke and my particular charge. And, therefore, I feare, in wrath that God has taikin abilitie from me. Intreate him, therefore, for mercie to be powred on me in Jesus Christ, as the tender affectioun of my soule in his bowells sall be stirred up to him according to the measure of the furniture of his Spirit, for you all in generall, and everie one of you in particular; as most humblie, at this present, I commend you to his grace, who is the onlie gratious God blessed for ever. From Anstruther, the penult of Marche, 1602.

"Your brother most lovinglie and humblie in Christ."

SUSPICION OF A CONSPIRACIE.

About the end of Aprile, an English gentleman addressed himself to court, and gott presence of the king upon the last of Aprile, and conferred with him a little space in Dumfermline. Therafter he went to his loodging. He slue James Chalmers, one of the king's servants, and hurt the barber that was poling his head, before they were awar. He was apprehended, and putt in the Tolbuith of Dumfermline. He cryed lyke a mad man, "The houre, the houre! the king, the king!" &c. Being examined, he confessed that he and an Italian sould have slaine the king, as is reported. He was transported to the Castell of Edinburgh, and keeped in the yrons; but within a quarter of a yeere was sett at libertie. It was reported that the king thought not muche of the mater, but tooke the man to be somwhat distracted in his witts.

THE KING'S THRID SONNE DIETH.

Upon the 27th of May, the king's young sonne, called Robert, and styled Marquesse of Wigtoun, departed this life, and his corps was secreitlie transported in a coffine to Halyrudhous. Doctor Hereis gott cold thankes for his cure.

MR J. DAVIDSON'S SUPPLICATION.

Mr Johne Davidsone being informed that the king had granted at the commissioner's requeist, to give him a release incace he would sute for it, wrote this letter following upon the 22d of June, to be sent to the king, who was for the tyme at St Johnstoun, with a number of the nobilitie and commissioners of the kirk :—

"*Grace and peace, with a long and prosperous governement. Amen.*

"SIR,—As it was your Majestie's will more than a yeere since, that by wairding I sould be restrained of wounted libertie, till your Majestie's minde sould be knowne to the contrare, so, in all submissioun and reverence, I have obeyed the same to this houre, (although to the great impairing of my health, and hinderance in things of this life;) wherefore, this is most humblie to crave of your Majestie, that it may please your Majestie to restore me now again to my wounted libertie of a free subject of your realme, to doe my lawfull effaires as occasioun sall serve: which, by all appearance, I am not long to injoy, if God prosecute his intended summouns of removing to a farre better freedome, wherewith daylie, in a maner, I beginne to be charged. And your Majestie's loving answere in writt for my warrant, most humblie beseekes. From my wairding place of Saltprestoun, the 22d of June, 1602.

"Your Majestie's most humble and loving subject, testified in the sight of God and man, by his continuall publict, domestick, and privat prayers,

"JOHNE DAVIDSONE,

"Christ's Minister at Saltprestoun."

The king perceaved that there was no confessioun of a fault. When Mr Johne Hall, who seemed to be a freind to Mr Davidsone, would have extenuated the fault, the king said, "I am gentle and courteous, but not a lipper." So Mr Davidsone was disappointed.

A CONFERENCE BETWEEN THE KING, THE COMMISSIONERS, AND MR R. BRUCE.

Mr Robert Bruce, after his conference with the king at Brechin, was confynned in the parish where he had his dwelling place, and suffered to preache no where ellis. He receaved a letter from the king to come to him to Perth, the 24th of June. When he came and entered in the king's chamber, no other was suffered to enter but Sir Patrik Murrey. The king asked where the articles were? Mr Robert answered, that he had redelivered them to Sir Patrik Murrey. Sir Patrik produced them. After they were read, the king asked if he was willing to preache according to these articles? "Not, Sir," said Mr Robert, "if it please you." "Why?" sayes the king. "Becaus my preaching is the mater of my instructiouns and commissioun, no prince hath power to give instructiouns to another prince's ambassader. I am the Sonne of God's ambassader and preacher." "But," said Mr David Lindsey, "yee offered to preache to that effect before yee went out of the countrie." Wherupon Sir Patrik produced Mr Robert's letter, which was read in the audience of the king and commissioners. "Weill," said Mr Robert, "yee refused this offer, so I am not bound to it." "Will yee goe from the thing yee have offered?" say they. "Weill," sayeth Mr Robert, "will this letter satisfie you? Sall I be no farther urged, in cace we condescend to this letter?" "Nay," quoth the king, "yee may say all this, and not be resolved. Say truelie; was yee resolvèd at that tyme or no?" "Not indeid," said Mr Robert. "How say yee then that yee will give thankes for my deliverance that day?" said the king. "Yes, Sir," said Mr Robert, "I have caus to give thankes for your preservatioun, suppose yee had cast your self in danger." "I told you that," quoth the king; "yee see what he meant. Are yeè now resolved?" "Yes, Sir," said he. "That is but the duetie of a subject when yee have done," said the king: "are yee resolved to preache?" "I am discharged to preache the pleasures of men," said Mr Robert:

"place me where God placed me, and I sall teache fruictfull doctrine, as God sall give me grace. But we have not had that custome to be injoynned to preache, nor I darre not promise to keepe that injunctioun. It lyeth not in my hand to make a promise: I know not certanelie what God will suffer me to speeke; I may stand dumbe. Therefore, Sir, leave me free, and when I sall find my self to be moved by God's Spirit, and to have the warrant of his Word, I sall not faile to doe it." "That is plaine anabaptistrie, that is a caball and traditioun," sayes the king: "yee sall preache as the rest have done, or ellis I can not be satisfied yee sall goe." "I pray your Majestie," said Mr Robert, "sett doun your disjunctive, and the one, God willing, sall be als welcome to me as the other. I have racked, certanelie, a peece of my heart to pleasure your Majestie. Now, seing your Majestie can not be satisfied, except I make shipwracke of all, lett me goe in God's name. Suppose I have some commoditeis, as other meane gentlemen have in your Majestie's countrie, yitt, Sir, I never desired to have seene your Majestie's face, or your countrie ather, except I had beene certanlie informed that your Majestie was satisfied." "What warrant had yee? who informed you so?" said the king. "If it please you, Sir," said Mr Robert, "I had first a warrant from the mouth of both your ambassaders, who assured me their satisfactioun sould be yours." "I trust," sayeth the king, "they will not say, suppose of all this new kindnesse that is knitt up betuixt you." "Surelie, Sir," said Mr Robert, "I am perswaded they will say it; and heere is a brother, (meaning Mr Patrik Simsone,) that has heard my Lord of Marr say als muche. Beside this, if it please you, Sir, I have your Majestie's owne warrant by letter." "What," sayeth the king, "my letter?" "Your Majestie's letter," said Mr Robert, "willeth me to send in my resolutioun in writt, and therupon promised to be satisfied. And so I did, and, therefore, I ought not to be urged anie farther." "My letter beareth no suche thing," said the king. "If it beareth not, Sir, it sall turne to my owne paines," said Mr Robert: "I have it beside me."

The king went into his cabinet, and walked up and doun a reasounable space. In the meane tyme, the commissioners dealt with Mr Robert, almost eache one after another. He would gladelie have gone out of the hous, but the doore was locked; so he behoved to stand till the king came out of the cabinet.

At last the king cometh out. The commissioners say to him, "Sir, seing it is so, that Mr Robert alledgeth suche promises, yee sall leave the preaching free to his owne will, but lett us come to his subscriptioun in the rowme therof." "Are yee content," said Mr David, and the rest, "to subscribe the king's innocencie, and their guiltinesse?" "Not in these termes," answered Mr Robert. The king urgeth him the more earnestlie, and sayeth, "I will not onlie have you cleering me, but my whole companie." "As for your Majestie's companie," said Mr Robert, "they have no need of my cleering, nather will they seeke it. I am bound to your Majestie, and will doe all that lyeth in my possibilitie." "Then yee must subscribe my innocencie," said the king." "Your owne conscience, Sir, can doe that best," said Mr Robert; "it is verie hard for me to doe it." "Why is it hard?" said the king. Laith was Mr Robert to answere, least he sould irritat him; but he insisted. Then, said Mr Robert, "Your Majestie will not be offended if I speeke freelie?" "Not," said the king. "I was reading," said Mr Robert, "upon Amandus Polanus, tuiching the slaughter of the magicians, whom the King of Babel commanded to slay. Amandus disputeth the question, whether the King of Babel did weill or not? First, he sayeth, *Animi gratia*, it would appeare that he did weill; for he had the plaine law of God for him in manie places. Yitt he concludes against the king, that he did not weill; for howsoever he had the law, yitt he looked not to the law, nor had regard to God or his glorie. 'Therefore,' sayeth he, 'howsoever the magistrat hath the sword, and may most justlie execute, yitt if he have nothing but his owne particular before his eyes, nather God nor his glorie, he is a murtherer.' Now, Sir, I pray you, what can I or anie man say what your Majestie had before your eyes, or what particular yee had?" "It is true that,"

sayeth the king, "and, therefore, I will give you leave to pose me upon the particulars." "Then, first, if it please you, Sir," said Mr Robert, "had yee a purpose to slay my lord?" "As I sall answere to God," sayeth the king, "I knew not that my lord was slaine, till I saw him in his last agonie; and was verie sorie, yea, prayed in my heart for the same." "What say yee then, concerning Mr Alexander?" said Mr Robert. "I grant," said the king, "I am art and part of Mr Alexander's slaughter, for it was in my owne defence." "Why bfought yee not him to justice," said Mr Robert, "seing yee sould have God before your eyes?" "I had nather God nor the devill, man, before my eyes," said the king, "but my owne defence." Heere the king beganne to frett. He tooke all these points upon his salvatioun and damnatioun, and that he was once minded to have spared Mr Alexander; but being moved for the tyme, the motioun prevailed. Farther, Mr Robert demanded of the king, if he had a purpose that day in the morning to slay Mr Alexander. The king answered upon his salvatioun, that day in the morning he loved him as his brother. Mr Robert, by reasoun of his oathes, thought him innocent of anie purpose that day in the morning to slay them. Yitt, becaus he confessed he had not God or justice before his eyes, but was in a heate and minde to revenge, he could not be innocent before God, and had great caus to repent, and to crave mercie for Christ's sake.

In end, Mr Robert yeelded to subscribe his resolutioun according to the act of parliament. Which he did, partlie, becaus in his judgement, it was the duetie of a subject to reverence the lawes of the countrie, except he knew them certanelie to be contrarie to the Word of God. Nixt, he thought, he was bound to free himself of that imputatioun which was layed to his charge, partlie by the king himself, partlie by others directed to him from the king, that come death come life to him, come what would come of him, the whole blame sould ly upon him, in respect he was the author of the slander. Thridlie, becaus he made a faithfull promise to him, that no more sould be craved of him. So, upon these three respects, he gave his resolutioun in writt, not that he was perswaded in his

conscience, for anie thing that he could learne by himself or from God's Spirit after prayer, as he himself recordeth in the historie of these proceedings, but in respect there was a strait and publict law, he thought good to follow it, till God gave him farther light: All the commissioners, and Mr Patrik Simsone who accompanied him, subscribed as witnesses. Heerupon a warrant was granted unto him to travell abroad in the countrie, providing he came not neere Edinburgh by foure myles.

MR A. MELVILL CONFYNNED.

About the end of Julie, Mr Andrew Melvill, making the exercise upon Ephes. v. 11, tuiched the present corruptiouns of the kirk, and namelie, of the ministrie of St Andrewes. They compleane to the king. The king went to St Andrewes in Julie after, and commanded him to keepe waird in the colledge.

"*Apud S. Andrewes, undecimo die mensis Julii, anno Domini* 1602.

"The king's Majestie, for certan causes and considerationns moving his Hienesse, ordeans a macer or other officer of armes to passe, and in his name and authoritie command and charge Mr A. Melvill, Principall of the New Colledge of St Andrewes, to remaine and conteane himself in waird within the precinct of the said colledge, and in no wise to resort nor repaire without the said precinct, whill he be lawfullie and orderlie releeved and fred by his Majestie, under the paine of rebellioun, and putting of him to the horne; with certificatioun to him, if he faile, and doe in the contrare, that he sall be incontinent therafter denounced rebell, and putt to the horne, and all his movable goods escheat to his Highness' use, for his contemptioun.—Thomas Fentoun, *Messinger.*"

By the queen's intercessioun he gott libertie to travell abroad, within six myles to St Andrewes.

The learned in that presbyterie handled the controverted heeds

in the schooles of divinitie, as if they had beene confuting the Papists onlie, when as their cheefe purpose was, to cleere the controverseis arising in our kirk; whereby the ministers in that province were muche edified. This exercise galled the court ministers. But becaus it was done in the Latin tongue, in the schooles, and in show against Papists, it could not justlie be found fault with.

A FRENCHE AMBASSADER.

About the end of Julie there came a Frenche ambassader out of France, with his wife and familie, of purpose to remaine in this countrie for the space of three yeeres, as was reported, and had in his companie a masse preest.

MR R. BRUCE URGED WITH A VOYAGE TO THE NORTH.

In the beginning of August, Mr Robert Bruce was writtin for to come to Falkland. When he came, Mr Alexander Lindsey, now Bishop of Dunkelden, assured him the king was to send him to the North, to travel with the Erle of Huntlie for his conversioun, and if he refused, the king would charge him to teache in St Johnestoun, the 5th of August. Mr Robert answered, he could not be urged with the last, in respect he had the king's promise and his hand. Mr Alexander assured him, that the king compted the thing which was done, but the duetie of a subject; but he had not gottin of him, as yitt, the duetie of a pastor, which it behoved him to have. "Is it so?" said Mr Robert: "assure the rest of the commissioners, that I will take me to them particularlie, and lay all the blame upon them, of whatsoever sall fall furth; and signifie to them from me, that I compt this a breache of promise, and an evill effect of the last agreement." After that Mr Alexander had declared Mr Robert's minde to the commissioners, he returned to Mr Robert with this answere, That they would deale with the king what in them lay, to putt that mater to the last point, or to putt the king off the

last point; advised him to give the king good answeres tuiching the northland voyage; and if he feared anie danger in it, they promised to divert the king from it. The king being informed of Mr Robert's resolutioun, urged him onlie with the northland voyage. Mr Robert craved a tyme to advise. The king appointed him to come to him at Stirline, within twentie dayes. Mr Robert went to the king in Stirline, and prayed the king to beare with him; for it behoved him to see his sovertie before he went. Farther, he said, he knew not whether his lordship was desirous of him or not; and he knew certanlie, that Mr Johne Hammiltoun, the apostate, and bussie traffiquing Papist, a man no wise answerable to his Majestie's lawes, was in the North: that so long as the Marquesse of Huntlie covered him with his wings, there could be no suretie for him in these parts. The king willed him to come to Falkland, the 15th of September, where, and at what tyme, he doubted not but Huntlie would satisfie him tuiching his suretie. Mr Robert, in his journey toward Falkland upon the 15th of September, is advertised that Huntlie was not at court, but returned homeward; wherupon he returned to his owne hous. The true intent of the king and commissioners was, to send him farre north, least his presence in the south parts sould be an impediment to their course of Episcopacie.

MINISTERS SUMMONED FOR NEGLECT OF THE 5TH DAY OF AUGUST.

The fyft day of August being, by act of Parliament, ordeanned to be solemnlie keeped without anie constitutioun of the kirk made theranent, was neglected by sindrie ministers of Fife. They were summouned publictlie at mercat croces, to compeere before the king and his counsell. The narrative of the proclamatioun was foule and fearefull. Mr James Melvill resolved to declyne, after the old maner, if they were brought before the counsell, which the king vowed sould be capitall. Mr James found himself weill resolved, wherof the place where he meditated and prayed held him daylie in remembrance. The king, understanding by Mr

Patrik Galloway, what was his resolutioun, called him and the rest calmelie and freindlie before the commissioners, none of the counsell being present. After a word or two spokin for the fashioun, they were dismissed.

F. MOWBRAY ACCUSED OF TREASOUN.

In October, the king was advertised out of England, of a conspiracie. An Italian, who had beene in this countrie eight yeeres, alledged upon Francis Mowbray, sonne to the Laird of Barnbougall, that he solicited him to take part with him in cutting off the king by poysoun, or some other meanes. They were both presented before the counsell of England. At the king's desire, they were sent to Scotland. The Italian affirmed constantlie before the king, and offered to fight the single combat.

THE * * * GENERALL ASSEMBLIE.

The Generall Assemblie, howbeit appointed at the last ordinarie Assemblie for the fashioun, at St. Andrewes, the last Tuisday of Julie, was prorogued by the king to the tenth of November; for now, it was the custome that the king appointed the Assembleis when and where he pleased, by proclamatiouns at the mercat croces. So the Assemblie conveenned at Halyrudhous, the 10th of November, and satt in the royall chappell. Exhortatioun being made by Mr Johne Hall, Moderator of the last Assemblie, Mr Patrik Galloway was chosin Moderator; for all things were prepared by the king and commissioners, for anie purpose that served their cheefe intent. Mr James Melvill, when his vote was asked at the electioun of the moderator, answered as followeth:—"With all reverence of your Majestie, before I speeke anie thing in this Assemblie, I must protest, that seing it is conveenned extraordinarilie, by the tyme appointed in the last Assemblie, by your Majestie's authoritie, and is keeped heere within your Majestie's palace, a place not accustomed heeretofore to hold the Assembleis of the

kirk; in whatsoever be done therin contrare to the Word of God, and former constitutiouns of the kirk, and established discipline therof, (which God forbid,) to be null and of no effect, and remedied at the nixt ordinar and lawfull Generall Assemblie of the Kirk of Scotland." Therafter he gave his vote. The assessors appointed to conveene with the Moderator, in the privie conference for treatting of suche things as are to be concluded in the Assemblie are, Mrs Johne Hall, Robert Pont, George Gladestains, David Lindsey, Alexander Rawsoun, Peter Blekburne, Johne Strathauchane, David Rait, Alexander Forbesse, James Nicolsone, Robert Howie, James Melvill, Robert Wilkie, Johne Carmichaell, Alexander Lindsey, William Glasse, Patrik Schairp, James Balfour, Walter Balcalquall, James Law, Johne Spotiswod, Johne Clapperton, Johne Knox, David Barclay, William Hammiltoun, Nathan Inglis, Johne Hay, Andrew Lamb.

THE TRIALL OF THE COMMISSIONERS APPOINTED TO AWAIT UPON THE POPISH LORDS.

In the secund sessioun, Mr George Gladestains, minister at St Andrewes, was called on to give a compt of his diligence in executing the commissioun givin by the last Assemblie; viz., to remaine a quarter or a halfe of yeere with the Marquesse of Huntlie, to informe him and his familie in the religioun presentlie professed, &c. He declared that he was in the North, in his journey to visite Cathnesse and Sutherland: he addressed himself to the Marquesse of Huntlie, and remained with him three dayes; conferred with him upon the controverted heeds, and demanded what were the cheefe doubts wherin he was not satisfied, that he might resolve him; and that his lordship promised to doe so at his backe comming. Mr George being asked why he made no longer residence with him, conforme to his commissioun, answered, that he could not, becaus the Marquesse of Huntlie was upon his voyage southward, at his Majestie's directioun, for reconciliatioun betuixt him and the Erle of Murrey, and that that feed hindered him to communicat.'

Being demanded why his kirks were not planted; why he resorted not to preaching, at the ordinarie tymes, in his parish kirk? he answered, that the non-planting of kirks proceeded from not giving of licence to the persons of the said kirks to renew his tacks, conforme to the promise made by the commissioners of the Generall Assemblie, when he consented to the augmentatioun of the rent of the said kirks. As for the other point, that he alledged, he could not weill resort to the parish kirk, partlie in respect of the meane ranke of suche as were with him in the parish, partlie in respect his predecessors were in use to have a chappell in their owne hous, which he was minded now to prosecute, seing he was presentlie repairing his hous of Strabogy. Mrs Alexander and William Cowper, appointed by the last Assemblie to await upon the Erle of Erroll, for the effect foresaid, were called on. Mr Alexander compeering, declared, that he waited upon the said lord, during his remaining in the Kerse of Gowrie; that he found him a diligent hearer of the Word; and having required at him, if he doubted anie thing? his lordship answered, that at the tyme of his reconciliatioun, he did the same unfainedlie, and cast all scruple away. As for the planting of his kirks, that he provided the same of his owne benevolence. As for communicating, that he would communicat at suche tyme as the sacrament sould be ministred at anie of his owne kirks, where his residence sould be for the tyme. Mr Johne Spotswod and Mr James Law were appointed by the last Assemblie to await upon the Erle of Angus. They were called for. Mr Johne Spotswod excused himself with awaiting upon the Duke of Lennox, in his ambassadge to France. Mr James Law, conjunct commissioner, could doe nothing without him. The ministers of these parts where the erle haunted reported, that he resorted not to the hearing of the Word or participatioun of the sacraments, and interteanned professed enemeis to religioun in his companie, suche as Mr Charles Browne. Mr Johne Carmichaell, appointed to await upon the Lord Hume, declared, that he executed no part of his commissioun, becaus the said lord was absent out of the countrie. Mr David Lindsey and Mr Johne Hall, appointed to await upon

the Lord Hereis, incace he repaired to Edinburgh, reported, that he stayed short tyme in Edinburgh.

TRIALL OF THE COMMISSIONERS FOR THE CONSTANT PLATT.

Tuiching the commissioners appointed by the last Assemblie to await upon the constant platt, my Lord Collector being present, declared, that the stay of that worke proceeded upon the default of the presbytereis, who, for the most part, had never returned an answere of his Majestie's letters, directed by the commissioners of the constant platt, without the which they could not proceed. And, therefore, the Assemblie ordeans suche as had not reported their answeres, to produce them the morne.

TRYELL OF THE COMMISSIONERS FOR VISITATIOUN.

Tuiching the commissioners appointed for visitatioun of presbytereis, the Assemblie ordeans them to give in their diligence in writt, the morne, that the samine may be tryed and considered by the Assemblie. And, becaus there has beene slacke or no executioun of suche commissiouns in tyme bygane, by reasoun of carelessnesse of suche as were appointed to accept the same: Therefore, it is ordeanned, in tyme comming, suche as sall be appointed commissioners, sall accept the commissiouns on them, and promise by their oaths in face of the Assemblie, to doe their faithfull and honest diligence in the executioun therof, and to report the same to the nixt Assemblie, in writt, under the paines conteaned in the Acts of the Generall Assemblie.

PLANTING OF QUALIFIED MINISTERS IN NEEDFULL PLACES.

The commissioners of the Generall Assemblie being called to give a compt of their proceedings since the last Assemblie, they were ordeaned to give in their diligence in writt, the morne. The which things being considered by the Assemblie, it was'

thought most expedient that certane qualified persons be chosin, out of the ministrie, for planting suche parts of the countrie as are destituted of the Word of God; and speciallie, that qualified men be chosin out, to be appointed ministers to the particular families of the said noblemen; and, likewise, that the cautioners of these that are suspected of religioun, and were, by his Majestie, ordeaned to passe off the countrie, be straitted, conforme to their band; and, speciallie, for Patrik Butter, Patrik Mortimer, and others, and themselves to be likewise charged for breaking of the said band.

TRIALL OF THE COMMISSIONERS FOR VISITATIOUN.

Sessioun 3. The brethrein appointed for visitatioun of the presbytereis in the last Assemblie, who were ordeanned this day to produce their diligence in writt, being called, compeered; Mrs David Lindsey and Johne Spotswod, commissioners for Cliddisdaill, Mr Andrew Knox, commissioner for Air, Mr James Nicolsone and Robert Howie, commissioners for Fife, Mr Robert Durie, commissioner for Orkney, and Mr George Glaidstains, commissioner for Cathnesse, and produced their diligence in writt. The rest of the said commissioners ather were not present, or had done no diligence. Which diligences produced, the Assemblie ordeanned to be visited by their brethrein, Mrs Johne Hall, Walter Balcalquall, Patrik Walkinshaw, Archibald Muncreif, and James Andersone, and therafter to report what they found in it to the whole Assemblie.

TRIALL OF THE COMMISSIONERS OF THE GENERALL ASSEMBLIE.

The said day, the commissioners who were appointed in the last Assemblie, for planting of burrow touns vacant, and awaiting upon his Majestie, who were ordeanned this day to produce their proceedings in writt, to the effect they might be tryed by the brethrein, and ather allowed or disallowed, conforme as they deserved,

being called, they compeered; and in name of the rest, Mr James Nicolsone, minister at Meigle, produced their whole proceedings in writt. Which being openlie read in presence of the whole Assemblie, and the brethrein being demanded by the Moderator, if they had anie thing to say against them in anie other heed whatsomever, after the particular votes of everie one of the commissioners were speered, the Assemblie allowed of the said proceedings, and thanked God for the same.

MINISTERS APPOINTED TO WAIT UPON THE POPISH LORDS.

The which day, the brethrein conveenned in the present Assemblie, having considered that nothing is more necessar for the advancement of God's glorie and his true religioun within this realme, than that the cheefe rowmes and places within the countrie, suche as are noble men's houses and famileis, be planted with learned and discreit pastors, able not onlie to instruct and confirme the saids noblemen, their wives, childrein, and famileis, in the true feare of God, and heeds of sincere religioun professed presentlie within this realme; but als, who may, by their provident care and diligence, procure that the famileis of suche noble men be not corrupted with the companie and hanting of professed Papists, Jesuits, and other Seminarie Preests, who goe about daylie to smore and putt out the spunkes of true religioun and knowledge of God kindled in the said noble men's hearts: And becaus, presentlie, suche men can not be found to undertake the charge of the said noble men's famileis, as said is: Therefore, the Assemblie has thought good, that, for a tyme, brethrein meetest for the purpose be borrowed from their owne places, to remaine for the space of a quarter of a yeere continuallie with the saids noble men; by whose labours, in the meane tyme, (whill a constant and permanent provisioun may be found out for planting of these rowmes,) the saids noble men and their famileis may be confirmed in the truthe, and the enemeis therof debarred from their companeis; and therafter returne to their owne charges; and, in the meane

tyme, that the presbytereis take order that their places be furnished during their absence. And, therefore, they have elected and nominated the brethrein following to await upon the said noble men during the space foresaid; viz., Mr William Scot, minister at Kennoway, to remaine with the Marquesse of Huntlie; for the Erle of Erroll, Mr Alexander Lindsey; for the Erle of Angus, Mr James Law; for the Lord Hume, Mr Johne Carmichaell; for the Lord Maxwell, so long as he remains in the Castell of Edinburgh, Mr Henrie Blyth; for the Lord Hereis, Mr Robert Wallace; for the Lord Sempill, the presbyterie of Irwing, during his residence within the same; and incace he remaine within the presbyterie of Paisley, the said presbyterie to await upon him. And likewise, for the Erle of Sutherland, the presbyterie of Edinburgh, incace he make his residence within the same. And incace anie of the noblemen make their residence anie tyme within Edinburgh, or the presbyterie therof, the Assemblie ordeans the presbyterie of Edinburgh to direct two brethrein of their number, with the like power as the brethrein above specified, to await upon everie one of the said noblemen that sall be found resident within their presbyterie. Which brethrein foresaid, and everie one of them, sall receave the articles in writt, wherin they sall travell with the said noble men. Which articles the Assemblie ordeans to be penned by Mrs James Melvill, James Nicolsone, Johne Carmichaell, Patrik Galloway, William Scot, and Alexander Lindsey, to be givin in the morne to the Assemblie, that the brethrein may consider the same; the tenor wherof followeth:—

INSTRUCTIONS FOR THE BRETHREIN APPOINTED BY THE GENERALL ASSEMBLIE TO ATTEND UPON THE MARQUESSE OF HUNTLIE, THE ERLES OF ANGUS AND ERROLL, THE LORDS HUME, HEREIS, AND MAXWELL.

"1. Yee sall addresse yourselves with all convenient diligence and necessarie furniture to enter in their companie and famileis, there to remaine with them for the space of three moneths con-

tinuall; during which tyme your principall care sall be, by publict doctrine, by reading and interpretatioun of the Scriptures ordinarilie at their tables, and by conference at all meete occasiouns, to instruct themselves in the whole grounds of true religioun and godlinesse, speciallie in the heeds controverted, and confirme them therin.

" 2. Take paines to catechize their famileis ordinarilie, everie day once or twise at the least, or so oft as may serve to bring them to some reasonable measure of knowledge and feeling of religioun, before the expiring of the tyme prescribed for your remaining there; and lett the actioun beginne and end with prayer.

" 3. Preasse to have their houses purged of all persons living inordinatlie, whose evill exemple might be a slander to their professioun, speciallie suche as are of suspected religioun, and found anie wise bussie in traffiquing against the truthe or quietnesse of the estat of the countrie; and be carefull to hold all suche persons furth of their houses and companie.

" 4. Travell to have their kirks planted with sufficient provisioun of stipends, and weill qualified persons; and procure, that by their authoritie and assistance, the discipline of the kirk may have executioun within their bounds.

" 5. Perswade them to make honest provisioun of stipends for interteanement of resident pastors at their houses, and cheefe dwelling places, and to make choice of learned, grave, and wise pastors, to be planted therat.

" 6. Urge the performance of the articles agreed upon and subscribed at the tyme of their reconciliation, and registred in the bookes of the Assemblie, wherout of yee sall extract them.

" 7. Informe the king's Majestie, from tyme to tyme, how they have profited, and what companie resorteth to them; and what dispositioun their companie is of."

Which articles being read in audience of the Assemblie, the brethrein approved the same, and ordeaned them to be insert, with the commissioun givin to the ministers appointed to remaine with the lords, in the bookes of the Assemblie.

The brethrein appointed to visite the diligence of the visiters appointed in the last Assemblie, find fault, that in all their diligences produced, except of Cathnesse and Fife, the visiters have not exactlie tryed the life, doctrine, and conversatioun of everie minister at his owne kirk, and by his owne flocke; but nakedlie and slenderlie, by a generall view at the synodall assemblie; which the Assemblie finds fault with, and ordeans to be amended in tyme comming.

Under colour of visitatioun, the king, and commissioners of the Generall Assemblie, his led horse in the Assemblie, preassed to putt two bishops in possessioun of their jurisdictioun. This was espied, and greatlie withstood, namelie, in the person of Mr George Gladestains. The farre greatest number of the Assemblie refused to appoint him of new visiter of Cathnesse, least the power of visitatioun continued in his persoun, sould putt him in possessioun of that bishoprick, wherof he had alreadie receaved the title. Yitt, by authoritie and cunning convoy, his commissioun was renewed, and, for the fashioun's sake, an order sett doun for visitatioun. The commissioun and order heere follow:—

Sessioun 3.

"The which day the brethrein conveenned in the Assemblie having rypelie weyghed how necessar it is that a generall visitatioun be for inquiring in the life, doctrine, and qualificatioun and conversatioun of everie one of the ministrie in particular; the which, albeit it was committed to the charge of the visiters appointed by the last Assemblie, neverthelesse they, at the least the most part of them, have done small or no diligence in the executioun of that profitable worke committed to their charge, excused partlie by infirmitie and sicknesse, and partlie by the necessar effaires wherin they were imployed, as they alledge: Therefore the Assemblie, not willing that suche a necessar and profitable worke sould want the owne good executioun and successe, have nominated, and by these presents nominat the brethrein following, their verie lawfull commissioners for visitatioun of the

bounds underwrittin, everie one of them for their owne parts, as they are particularlie designed; viz., for Orkney, Mr Robert Pont; for Cathnesse and Sutherland, Mr George Gladestains, Mr Alexander Rawson; for Rosse, Mr David Lindsey; for Murrey, Mrs Peter Blekburne, Abraham Sibbald; for Aberdeen, Mrs William Scot, Alexander Lindsey; for Angus and Mernes, Mrs Robert Wilkie, James Melvill; for Perth and Stirline, Mrs James Martine, Johne Caldcleuche; for Fife, Mrs James Nicolsone and Robert Howie; for Lothian, Mrs Patrik Schairpe, Johne Cowper; for Merce and Tiviotdaill, Mrs Johne Carmichaell and James Law; for Cliddisdaill, Mrs Johne Spotswod, William Arthur; for Air and Irwing, Mrs Andrew Boyd, Johne Hay; for Nithisdaill and Annerdaill, Mrs Johne Knox, Patrik Schaw, Johne Smith; for Galloway, Mrs Johne Welshe, Hugh Foullerton; for Argile, Mrs Andrew Knox, Andrew Lamb: Giving, granting, and committing unto them conjunctlie, and incace of sicknesse of anie of them, with power to the other, &c., to try the brethrein of the ministrie within the bounds particularlie above committed to their charges respective, in their life, doctrine, qualificatioun, and conversation, and how they behave themselves tuiching the rents of their benefices; whether they have sett tacks of the same but consent of the Generall Assemblie or not, and so incurred the censure of dilapidatioun: With power, also, to try the presbytereis within the said bounds, if they have keeped their ordinarie conventiouns, and particular visitatiouns of their owne kirks, and used and exerced all suche things as apperteanes to the presbyterie: With power, also, to them to try everie particular congregatioun within the bounds committed to their visitatioun; and generallie, to try everie one of the ministrie, presbyterie, and congregatioun, conforme to the particular order of visitatioun sett doun in this Assemblie. And incace anie fault or enormitie be found by them in anie of the said visitatiouns committed to them, with power to censure the same, according to the act of the Generall Assemblie. And as they proceed in their said visitatioun, that they report

their whole processe and diligence to the nixt Generall Assemblie, *Promitten. de rato*," &c.

Sessioun 4.

The said day, it being considered by the Assemblie, that for enlaike of a constant and uniforme order of visitatioun of synods, presbytereis, and particular kirks, the labours and travells taikin hitherto have beene almost unprofitable and uneffectuall: Therefore, that a solide order may be observed in visitatiouns, in all tyme comming, throughout the whole kirks within this realme, the Assemblie ordeans the brethrein following, viz., Mrs Robert Pont, Patrik Galloway, James Carmichaell, William Scot, Alexander Lindsey, to advise anent the subject of visitatiouns, and the forme and order of processes that sall be used in the same in all tyme comming, and to produce the same in writt to the Assemblie the morne.

Sessioun 5.

The brethrein appointed for penning the forme and subject of visitatioun of kirks gave in their advice as followes:—

"The visiters sall appoint two or three dayes for the tryell of everie presbyterie within the bounds of their visitatioun; and by the space of a moneth or 20 dayes at least before their edicts, they sall make the presbyterie acquainted therewith, and send them the edict following, to be published at everie parish kirk, by some other brother than the minister of the place, that it may be duelie executed, reported, and indorsed to the visiters, at the first dyet of their meeting:—

EDICT.

* * * * *
* * * * *

"Lett the edicts be so directed, that an equall number fall to be tryed in everie one of the dayes appointed for the tryell of ilk

presbyterie, and the commissioners of the congregatiouns to be charged at their owne dyets accordinglie.

"Trie the estat, first of everie minister particularlie; therafter, the estat of the congregatioun and countrie; and last, the estat of the presbyterie in generall."

THE PARTICULAR TRYELL OF PASTORS.

"Try all pastors, severallie, in his graces and abilitie to discharge his calling; in his furniture of bookes and necessar helpes that may enable him in his calling; with what fidelitie and prudence he dischargeth himself in doctrine and discipline, in his life, and the estat of his living.

"For this effect, inquire, first, of the commissioners of his congregatioun, what testimonie he has of his owne sessioun, and remanent of his flocke; and in speciall, if he be resident in his parish upon his manse and gleeb; if his owne life and the governement of his familie, be suche as breedeth no offence, but edifieth his flocke; if he teache everie Sabboth once or twise, and if he teacheth anie other dayes in the weeke; if he ministereth the communioun yeerelie, with due examinatioun preceeding; if he has an established sessioun of elders and deacouns; if he keepes a weekelie conventioun with his sessioun, for the exercise of discipline; if he catechizeth weekelie a part of his parish; if he keepes an ordinar visitatioun of some famileis of his congregatioun weekelie; if he visiteth the sicke and distressed, when occasioun requires; if he be carefull to take away all eylists and variances that fall out in the congregatioun.

"Therafter, if need be, lett him be tryed by the opening up of some place of Scripture, and by questiouns.

"Lett it be enquired of him, what helps he hath for the advancement of his studeis, and if he has the text of Scripture in the originall languages, incace he be seene in the tongues; if he has Tremellius' translatioun of the Old Testament, and Bezae's of the New, with the vulgar English translatioun; if he has the Commoun

Places; if he has the Ecclesiasticall Historie; what commentareis he has upon the Scripture, and, speciallie, upon his ordinar text; if he has the Acts of the Counsell of Trent, and what other writters of the controverseis of religioun; if he useth the conference of brethrein for his resolutioun in the doubts that he finds in his reading, and of whom; if he has an ordinarie course of reading the Scriptures, ecclesiasticall historeis and controverseis; if he makes a memoriall of his travells in writt; what is his ordinar text; if he be provided in title of the personage or vicarage; and if he have sett anie tacks therof, to whom, and on what conditioun; in whose hands are the rest of the rents of his kirk, and what is the best overture that he can give for provisioun of a stipend therat, incace it be not alreadie sufficientlie provided, and sight the Sessioun Booke.

"The brother being removed, lett the presbyterie be enquired one by one, and declare upon their conscience, what they know anent his graces, fidelitie in doctrine and discipline, and anent his life and conversatioun. After which tryell, let him be judged, and ather allowed, or admonished, or otherwise censured, as the caus requires."

THE TRYELL OF THE CONGREGATIONS.

"Try everie minister particularlie, if there be anie Jesuits, Papists, Seminarie Preests, traffiquers against the estat of religioun and quietnesse of the countrie, within their congregatioun, or receptors of them; if there be anie witches, excommunicats, contravecners of the discipline of the kirk; if there be anie superstitious dayes keeped, by setting out of bonefires or otherwise; if there be anie superstitious places of pilgrimages, wells, and chappells; if there be anie non-communicants; if there be homicids or deidlie feeds; if there be anie adulterers or incestuous persons; if the Sabboth be profanned by keeping of mercats and labouring, speciallie in the tyme of harvest. And as they find in the premisses, to take order for reformatioun of the points foresaid, or anie part therof."

TRYELL OF THE PRESBYTERIE.

"Lett the Moderator be required if they keepe their ordinarie conventiouns; if they have their monethlie discourse upon the commoun heeds and disputatiouns; if they visite the wholo kirks within their bounds, since the last generall visitatioun; if they take weekelie and monethlie accompt of their brethrein's diligence in discharge of their duetie, by catechizing and visiting of their famileis. And siclyke, if there be anie of their number that be insolent, and will not acquiesce in the determinations of his brethrein; if there be anie divisioun or eyelast amongst the brethrein; what unplanted kirks are in their bounds.

"Which forme the Assemblie thinkes good, and ratifieth and approveth the same, and ordeans it to be universallie observed in all tyme comming, in all visitatiouns within this realme; and ordeans the power of the visiters to be directed conforme to the Acts of the Generall Assemblie."

THE GREEVES OF THE SYNOD OF FIFE.

The Provinciall Synod of Fife conveening at Kinghorne, the last Tuisday of September, agreed upon some articles to be presented to this Assemblie, to be advised upon. They were oftin rejected, but at last, through importunitie, were read. The Assemblie nominated Mrs James Melvill, Robert Durie, Johne Carmichaell, William Scot, Johne Cowdan, Johne Fairfull, James Nicolsone, Andrew Lamb, Robert Howie, Patrik Schairp, George Gladestains, Johne Spotswod, to advise upon answeres to the said articles and petitiouns. The tenor of the articles and answeres followeth:—

THE ARTICLES OF THE SYNOD OF FIFE.

"1. It would be meaned by the Generall Assemblie, that they are not orderlie keeped, notwithstanding the acts of parliament and

Generall Assemblie, and necessitie of the tyme; but the dyets therof altered, without the knowledge of the presbytereis and synods.

"2. That ministers are called before his Hieness' Secreit Counsell *in prima instantia*, for doctrine and discipline, which is a great encouragement to the enemeis.

"3. That all applicatiouns in exercise of presbytereis are found fault with, under the pretence of the act of the Generall Assemblie; the which act, therefore, would be sighted, and clearelie interpreted.

"4. That the governement of the cheefe maters of the kirk continues in the hands of a few, under the name of a commissioun, to the prejudice of the libertie of the synods and presbytereis.

"5. That the doctors bearing ordinar calling in the kirk, by the discipline and custome therof, are debarred from the Assembleis.

"6. That the Assemblie has taikin no tryell hitherto, anent the cautiouns sett doun for avoiding of corruptioun in the commissioners, voters in parliament.

"7. That the absence of the pastors of Edinburgh, and alteratioun of the ministrie therof, which was the cheefe watche-towre of our kirks, hurteth greatlie the caus of religioun, and encourageth the enemeis.

"8. That there is distractioun in opiniouns, different from that consent of hearts which has beene in the kirk before, in weightie causes; and over-little deliberatioun and reasoning had, whereby conclusiouns passe, almost the halfe of the brethrein gainsaying.

"9. That the land is defiled, and the kirk endammaged, by the Frenche ambassader's masse.

"10. Excommunicated persons for Papistrie, suffered to haunt the countrie publictlie and peaceablie.

"11. That the noblemen latelie relaxed from excommunicatioun for Papistrie, give no tokin of the professioun of the truthe, but rather the contrare.

"12. That apprehended Papists' directiouns and letters are keeped closse, and the danger imminent thereby to the kirk not communicated to the watchemen, whereby they may make faithfull wairning, and prevent the perrell.

" 13. That the discipline of the kirk against murther, incest, and adulterie, is not practised with that holie severitie as becomes, notwithstanding of the frequent remissiouns obteaned by criminall persons for eschewing of the civill punishment.

" 14. That the remedeis sett doun against apprehended danger, at diverse tymes, and at diverse meetings of the kirk, are not followed furth."

ANSWERES TO THE PETITIONS OF THE SYNOD OF FIFE.

" 1. Finds, that the Generall Assemblie sould be appointed and keeped, according to the act of parliament holdin at Edinburgh, the fyft of June 1592 yeeres, wherof the tenor followeth, so farre as concerns that point:—' And siclyke, ratifies and approves the Generall Assembleis appointed by the said kirk, and declairs, that it sall be lawfull to the kirk and ministers, everie yeere, once at the least, and ofter *pro re nata*, as occasioun and necessitie sall require, to hold and keepe Generall Assembleis: Providing that the king's Majestie, or his commissioners with them, to be appointed by his Hienesse, being present at ilk Generall Assemblie, before the dissolving therof, nominat and appoint a tyme and place, when and where the nixt Generall Assemblie sall be. And, incace nather his Majestie nor his said commissioners sall be present, for the tyme, in that toun where the Generall Assemblie sall be holdin, then, and in that cace, it sall be leasome to the said Generall Assemblie, by themselves, to nominat and appoint tyme and place where the nixt Generall Assemblie of the kirk sall be keeped and holdin, as they have beene in use these tymes bypast.'

" 2. If his Majestie sall proceed against ministers, according to his Majestie's owne declaratioun, made and enacted in the Generall Assemblie holdin at Dundie, 1597, *Sessione decima*, the desire of the secund article is satisfied, and no other thing meanned thereby.

" 3. Thinkes it expedient, that the act anent applicatioun in exercise be interpreted, not to be extended to forbid the using of the Word of God, in applicatioun to the generall end therof, which

is lawfull to exercise after this maner. This heed of doctrine serveth for refutatioun of suche an errour, for rebooke of suche a vice, for conforting of a person or people in suche a cace. And as for particular or personall applicatioun, leaves it to be advised, whether it sall be in tyme comming or not, and how farre; and thinkes good that this be reasouned in the presbytereis, and then commissioun sent, with thir reasouns to the nixt Assemblie theranent: and, in the meane [time,] no novatioun to be used anent personall applicatioun.

"4. Lett all commissiouns be givin and used from this furth according to the acts of the Generall Assemblie.

"5. Finds, that doctors have had, and may have vote, in the Generall Assemblie, they having a lawfull commissioun for that effect, according as it has beene found and declared by the Generall Assemblie holdin at Edinburgh, 10th May 1586, and at * * * * 1581, where it is found and declared by the acts of the Generall Assemblie, that doctors sould concurre with the elders, as brethrein, in all Assembleis.

"6. Lett the caveats be looked to, and preciselie keeped in tyme comming, under the paines conteaned in the acts made theranent.

"7. Answered in the Assemblie.

"8. Nothing to be done and concluded in Assembleis, except it be sufficientlie reasouned and deliberated.

"9. Acquiesces in the declaratioun of the brethrein that have spokin to his Majestie theranent, and desire Mr Walter Balcalquall to shew the same to the Assemblie, and how the Presbyterie of Edinburgh is satisfied in this point.

"10. Lett their names be givin up, that his Majestie may take order with them according to the lawes; and in speciall, with Captan Halkerstoun, Patrik Butter, Mr Alexander Leslie, Duncan Law, Thomas Browne, William Leslie of Concraig, and Patrik Mortimer.

"11. Ended in the Assemblie.

"12. To acquiesce in his Majestie's declaratioun heeranent, and to requeist his Majestie, that the presbytereis be acquainted heerafter, in suche cace where it sall be needfull.

"13. Where there is negligence in this point, lett it be amended heerafter, according to the acts of the Assemblie.

"14. Lett farther diligence be used where negligence has beene."

Which answeres the Assemblie allowes of, and ordeans the same to be insert in the Bookes of the Assemblie.

The generall commissioun was allowed as followeth:—

"The which day, the Generall Assemblie having advisedlie considered the necessitie of appointing commissioners from this present Assemblie, not onlie to await upon suche effaires as sall be for the weale and utilitie of the kirk of God, but also to give advice to his Majestie, anent the holding furth of the enemeis of the same, when they sall be required by his Majestie thereto: Therefore, the brethrein conveenned in this present Assemblie have givin and granted, lyke as they, by the tenour heerof, give and grant their full power and commissioun to their brethrein underwrittin, viz., Mrs Robert Pont, David Lindsay, George Gladestains, David Hume, Johne Clapperton, Johne Knox, Johne Spotswod, Alexander Lindsay, Robert Howie, Johne Hall, Johne Caldcleugh, Johne Strachan, Andrew Knox, Gavin Hammiltoun, James Law, Andrew Boyd, Alexander Dowglas, Alexander Forbesse, Andrew Leitch, Robert Wilkie, Patrik Schairp, Peter Blekburne, and Patrik Simsone, with the king's Majestie's Commissioners, or anie nyne of them; giving, granting, and committing unto them their full power to plant suche kirks in burrow touns, as are or sall be destituted of pastors.

"Attour, if it sall happin the king's Majestie to be greeved at anie of the ministers, for whatsomever enormitie committed by anie of them against his Hienesse, with power to them, or anie nyne of them, as said is, to try and cognosce therupon, and take suche order theranent, as they sall thinke most meete to the glorie of God, and weale of the kirk. And, finallie, with power to them to present the greeves and petitiouns of this present Assemblie to his Majestie and Secreit Counsell, and generall conventioun of estats and parliament, if anie sall happin to be, and to crave redresse of the same. *Promitten. de rato.*"

The brethrein appointed to sitt upon the constant platt, with his Majestie's Commissioners, being demanded what effect their travells had taikin, produced the conclusiouns of the commissioners of the said platt, resolving in three heeds, out of which one sould be chosin, as the most readie way for effectuating the said worke; wherof the tenour followeth:—

OVERTURES OF THE COMMISSIONERS OF THE PLATT, TO BE ADVISED WITH HIS MAJESTIE.

"If everie minister's stipend being assigned out of the fruicts of the kirk where he serves, by the benevolence of the tacksmen, that they sall grant to the augmentatioun of the said stipend.

"If there sall be a perpetuall securitie made to the said tacksmen of their tithes, upon a speciall gressome to be condescended upon for ilk chalder, for the space of nynteene yeeres, and to be renewed yeerelie therafter, for the said space, for the like gressome, upon this conditioun, that the said principall tacksmen sall grant and renew the like securitie to their sub-tacksmen, for payment of their part of the said gressome *pro rata*, where anie sub-tacks are.

"Or if the great benefices sall be provided to ministers upon this conditioun, that all the kirks of the prelaceis be planted with sufficient ministers, and be provided with competent livings, as the modifiers of the constant platt sall thinke expedient, and he to pay to the king's Majestie, yeerelie, the tenth part of the fruicts of the said benefices which sall rest, by and attour the sustentatioun of the saids ministers; and that all the inferiour benefices sall be provided to ministers serving the cure of the said kirks, als weill personages as vicarages.

"Or if all the great benefices sall be dissolved, and the prelate to have the principall kirk of the prelacie, with the temporall lands therof, and the rest of the kirks to be provided with qualified ministers: and the said prelats and titulars of the said kirks, to pay a yeerelie duetie to his Majestie, as the benefice may beare, at the sight of the commissioners foresaids."

Which overtures being read in sight of the Assemblie, it was ordeaned, that everie synod sould have a copie of them, to be advised therewith, untill the morne, that they might give their advice to his Majestie, which of the three were most meete to be embraced.

The purpose of the king and commissioners was espyed, and plainlie withstood. A better than anie of the three sett doun formallie in writt was produced, to witt, a formed platt for planting all the kirks of the realme, by dissolving of the prelaceis, and planting of fiftie presbytereis in their place, the commissioners wherof sould have vote in parliament. This was the platforme sett doun by commissioun from his Majestie and the estats of parliament, the yeere 1597. But that overture gott no place, for the purpose was weill prepared before hand. And so, by the votes of the evill advised multitude, the conclusioun past as followeth:—

"Anent the overture givin in by the commissioners of the Constant Platt, with which the brethrein were ordeanned to be advised; after mature deliberatioun and voting, the Assemblie thinkes the secund overture most expedient to be accepted, bearing the provisioun of ministers to all prelaceis, with the conditiouns therin conteanned, as is above expressed."

Item, The Assemblie thought expedient to adjoyne and nominat others out of the number of brethrein, to be adjoynned to these which were nominated by the commissioners of provinces conveened at Halyrudhous, the 15th day of October, 1600 yeeres. Out of which number, his Majestie sould make choice of suche as he sould present to the benefices vacant. The names of them all are as followes: —Mrs Robert Pont, Robert Howie, James Nicolsone, Alexander Scrimgeour, Johne Forbesse, Gavin Hammiltoun, George Monro, James Robertsone, Johne Howiesone, James Melvill, Andrew Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindsey, Robert Wilkie, Johne Spotswod, William Malcolme, Alexander Forbesse, Johne Knox, Andrew Lamb, Johne Clappertoun, George Grahame, Robert Bruce, Johne Carmichaell, Patrik Lindsey.

We find heere some nominated onlie for the fashioun; for some

of them were absent, others plainelie refused. And yitt the good are sett doun among the bad, to grace them.

THE KING PROMISETH TO STAY PENSIONS OUT OF THE THRIDS.

Sessioun 6. After incalling upon the name of God, the said day it was thought good by the brethrein to be meanned, that notwithstanding his Majestie's good minde and intentioun, to have all the kirks within this realme sufficiently planted with ministers, with competent livings appointed for them; and albeit it was provided by the act of Februar, and approved in Parliament, that all the thrids of the benefices sould be applied to the use of the ministrie, ay and whill kirks were planted, and that pensiouns givin in prejudice therof sould be null; yitt, by importune sute, a great part of the said thrids are dispouned in pensiouns, to the great hinderance not onlie of the present provisiouns of ministers, but als of the constant platt which his Majestie intends: Desiring, therefore, that his Majestie were informed therof, and take suche order, that the said dispositioun made in contrare the said act of Februar, sould be retreatted: and that command be givin to the modifiers of the platt of this instant yeere, to assigne out of the saids pensioun, for planting of kirks, notwithstanding the saids dispositiouns. The which his Majestie most willinglie granted, and promised to stay all farther gifts in anie tyme comming.

TO STAY WARRANTS TO NOBLEMEN'S SONNES TO PASSE TO SUSPECTED PLACES.

Becaus it was meanned by the brethrein, that the supplicatioun made in the last Assemblie to his Majestie, anent the restraining of the libertie of noble and gentle men's sonnes that passe furth of the countrie, to suche places where there is restraint of the true religioun; therefore, his Majestie declared in presence of the Assemblie, that he would give a command to the Secretar, that he sould subscribe no warrant for passing of noble or gentlemen's

sonnes furth of the countrie, except they first found cautioun, conforme to the tenour of the act made in the last Assemblie, anent the passing of gentlemen's sonnes furth of the countrie.

MR R. BRUCE INJOYNNED TO PREACHE THAT WHICH HE HAD SUBSCRIBED.

Mr Robert Bruce drew neere to Edinburgh, in tyme of the Assemblie. George Heriot and Johne Robertsone, commissioners for the toun of Edinburgh, made mentioun of his repositioun, wherunto the Assemblie applauded. But the king and the moderator alledged they had sindrie things to propone before that were granted. The king desired to have the interlocutor of the Assemblie, whether Mr Robert sould be injoynned to utter in pulpit that which he had offered in his bill, before his banishment, and the resolutioun which he had subscribed at Perth, after his returne, or not? Mr Johne Hall being first asked, answered, there could be nothing done in that mater whill the parteis were first heard. So, it was thought meete that Mr Robert sould be sent for. But the mater was delayed till the end of the Assemblie; and howbeit he was nather called nor heard, they vote, that he sall publishe in pulpit his bill and resolutioun. The proceedings, as they are extant in the Register, heere follow:—

Sessioun 6.

"Tuiching the requeist made by the moderator, in name of the whole Assemblie, to his Majestie, in favours of Mr Robert Bruce, his Majestie declaired, that he would doe in that mater by advice of the commissioners of the Generall Assemblie, and as Mr Robert by his owne behaviour sould give him occasioun. And becaus Mr Robert Bruce had, by his missives directed before to his Majestie, before his departure off the countrie; as also, by the ratificatioun and farther explanatioun therof in writt, at St Johnstoun, the 25th day of Junie 1602, declared his resolutioun of his Majestie's innocencie, and guiltinesse of the Erle of Gowrie and his brother, and promised

to divert the people, so farre as in him lay, from their lewde opiniouns and uncharitable constructiouns anent his Majestie's actions, namelie in this turne; therefore his Majestie desired the determinatioun of the Assemblie, whether if the said Mr Robert likewise sould make the same declaratioun in pulpit, according as it is at lenth sett doun in the said missive, and explanatioun therof, at Perth, wherof the tenour followeth :—,

"Please your Majestie,—Hearing that your Majestie was nothing relented of the former wrathe against me, and being now upon the point to shew my obedience to your Majestie's last charge, I could not omitt this, as my last duetie, to intreate your Hienesse' clemencie, and to mitigat the extremitie of this intended wrathe. I am not ignorant of that speeche, that 'The wrath of the prince is the messinger of death;' so that I crave, that the Lord, for his Christ's sake, may adde his blessing, and work effectuallie in your Grace, as he sall see expedient for his owne glorie, and your Majestie's perpetuall preservatioun.

"Then to be short, to shew my conformitie with the rest of my brethrein of the ministrie, as at all tymes; so now especiallie, to show my reverence to your Majestie, and to cleere my suspected affectioun heerin, I offer to give to the Father of our Lord Jesus Christ, in him and through him, most heartie thankes for all your Majestie's deliverеis, from your craddell to this present houre; but namelie, for that deliverie which he granted unto your Majestie in St Johnstoun, on Tuisday the 5th day of August, farre above all our deserts, and your Majestie's expectatioun. I offer also, to stirre up the people to that same duetie; and attour, to divert the people, so farre as lyes in me, from their lewde opinioun and uncharitable constructiouns, namlie, in this turne. Finallie, there is no duetie that your Majestie can crave of me, without the manifest offence of God, and hurt of my owne conscience, but I would doe it with als good a heart as ever I did anie thing in this earth, that if, by anie meanes, I might testifie my good affectioun towards your Majestie, my Soverane, and to enjoy my naturall air, and suche other conforts as the Lord has givin me under your Majestie's

raigne; which I most humblie crave of your Majestie, beseeking the Lord to move your heart heerinto, for his Christ's sake. So, waiting for your answere, in all humilitie I take my leave."

(*Sic subscribitur*) "Mr R. Bruce."

And upon the backe therof, "At Perth, the 25th day of Junie, 1602."

"Farther, concerning the heeds within conteaned, I am resolved of his Majestie's innocencie, and the guiltinesse of the Erle of Gowrie and his brother, according as it is declared by the act of Parliament; and therefore acknowledge the great mercie of God toward his Majestie, whole kirk and countrie, in his Majestie's deliverance, for the which I thanke God from my heart."

(*Sic subscribitur*) "Mr R. Bruce."

The which, the whole Assemblie, after voting, thought not onlie reasonable, but also concluded, that the said Mr Robert ought to doe the same.

The Assemblie ordeaned, that in all tyme comming, the licence to be granted to anie beneficed person to sett tacks be restrained, ather to a liferent tack, or a nynteen yeere tack allanerlie.

Item, The Assemblie ordeanned, that no mariages be celebrated earelie in the morning, or with candle light; and finds, likewise, that it is lawfull to celebrat the band of matrimonie upon a Sabboth day, or anie other preaching day, as the parteis sall require, and thinke expedient; and ordeans the same to be done indifferentlie; and that no ryotousnesse be used at the same upon the Sabboth day. The king was earnest to have this libertie granted to celebrat mariage upon the Lord's day; and siclyke, the act following:—

Item, It is statuted, that the sacrament of Baptisme be not refused to anie infants, if the parent crave the same, he giving a confessioun of his faith, upon anie other particular pretence; speciallie, that Baptisme be not delayed to certane particular dayes.

Tuiching the act made before, against suche as absteane from

the communioun, ather for Poprie, or under colour of deidlie feeds, the Assemblie ordeanned, that everie one of the ministrie keepe this order following within his parish: To witt, that he warne suche persons by the space of * * moneths before the communioun, to prepare themselves for the same: which being done, and they disobeying, that everie minister incontinent therafter send the names of the disobeyers, subscribed with his hand, to one of the king's Majestie's ministers, who sall intimat the same to his Majestie, and to his Hienesse' treasurer, to the effect, that his Hienesse' treasurer may putt the acts against non-communicants in executioun against them; and that everie presbyterie command the ministers within their presbyterie to be diligent in executioun of this act.

The Assemblie considering, that the conventiouns of people, speciallie on the Sabboth day, are verie rare in manie places, by reasoun of distractioun, through labour not onlie in harvest and seed tyme, but als everie Sabboth, by fishing both of white fish and salmond fish, and going of mylnes, the Assemblie dischargeth and inhibiteth all suche labour of fishing, als weill white fish and salmond fish, and going of mylnes of all sorts upon the Sabboth day, under the paine of incurring the censures of the kirk: and ordeans the commissioners of this Assemblie to meane the same to his Majestie, and to desire that a pecuniall paine might be injoynned upon the contraveeners. Motioun was made, when his Majestie was present, for keeping of the Sabboth day; and mentioun was made in speciall of the Salt-panns. Mr Johne Knox and Mr David Blacke tooke occasioun to propone, that Mr Johne Davidsone sould be sent for, to give his advice, what order sould be taikin with the salters. "No," sayes the king, "he sall not come here. If I knew there were six of his judgement in the Assemblie, I sould not byde in it, more than in Sodom or Gomorrha. If he teache not upon the fyft of August, he sall not teache in Scotland. If he were not an old man, he sould be hanged."

Item, Becaus his Majestie declared that he was informed, that sindrie of the ministrie neglected that part of their duetie toward

his Majestie, in not giving thankes to God for the wonderfull deliverie of his Majestie from the treasonable attempt of Johne, sometyme Erle of Gowrie, and his brother, upon everie fyft day of August: Therefore, the Assemblie statuts and ordeans, that in all burrow touns within this realme, there be ordinar teaching and preaching everie Tuisday, in remembrance of his Majestie's deliverie that day of the weeke; and that everie fyft day of August, there be preaching within everie kirk within this realme to burgh and to land, thanking God of his Majestie's deliverie that day of the moneth. And becaus the people in landwart parishes can not be so easilie conveened as in the burrow touns, therefore, and for their better conveening, it is ordeaned, that everie minister at the landwart kirk sall, upon the Sunday preceeding the fyft day of August, make intimatioun to the parochiners, that they conveene the said day in the kirk with him, to thanke God for his Majestie's deliverance. And to the effect that all ryotousnesse, drunkennesse, and other filthie exercises may be restrained, his Majestie promised to caus all insolencie in behaviour to be discharged and forbidden yeerelie, by opin proclamatioun; and magistrats to take order with the contraveeners heerof.

MR J. MELVILL'S ARTICLES.

Before the dissolving of the Assemblie, in the penult sessioun therof, Mr James Melvill penned the two heeds following, and presented them to the Assemblie:—

"First, That seing the ambassaders of Christ ought at all tymes convenient to discharge his message to his subjects, and howbeit the king be head of the commoun weale, yitt he is but a subject to Christ, and a member of his kirk, it would please the king to heare Christ's ambassaders discharge their message, upon the grounds of Scripture following: Psalme ii. 'Kisse the Sonne, least he be angrie.' Matt. xxii. 'Give to Cæsar which is Cæsar's, and unto God that which is God's.' The summe of which message, that it may be the better accepted, take it from the penne of that notable father

and doctor of the kirk, Ambrose, writtin *ad Auxentium*. 'Solvimus quæ sunt Cæsaris, Cæsari; et quæ sunt Dei, Deo. Tributum Cæsaris est. Non negatur. Ecclesia Dei est. Cæsari utique addici non debet, quia jus Cæsaris esse non potest, Dei templum. Quod cum honorificentia imperatoris, nemo dictum potest negare. Quid enim honorificentius, quam ut Imperator ecclesiæ filius dicatur? Quod cum dicitur sine peccato, dicitur cum gratia; dicitur Imperator enim bonus intra ecclesiam, non supra ecclesiam est. Bonus enim Imperator quærit auxilium ecclesiæ, non refutat. Hæc ut humiliter dicimus, ita constanter exponimus.' Of this Ambrose, Bishop of Millan, Valentinian the Emperour wrote to the people of Millan these words: 'Talem in pontificali constituite sede, cui et nos qui gubernamus imperium, sincere nostra capita submittamus, et ejus monita, dum tanquam homines deliquerimus necessario, velut curantis medicamenta suscipiamus.'

"Nixt, that incace anie thing be past and concluded in this present Assemblie, prejudiciall or hurtfull to the discipline established by the Word of God within the Kirk of Scotland, it may be remedied and amended at a better advised Assemblie, according to an article agreed upon at Perth, Marche 1597."

But these two heeds were cast by, and no audience was givin to words, or acceptatioun of writt. The king and his man, Mr Patrik Galloway, moderator of the Assemblie, ruled as they pleased. If anie zealous pastor would speeke his minde, Mr Patrik would command him silence, or the king would boast and threatin him. The men that would not be boasted nor threatned, Mr Robert Bruce, Mr Andrew Melvill, Mr Johne Davidsone, were withholdin from comming to this Assemblie, and confynned or outfynned.

HOW TO PREVENT THE APPARENT DANGERS.

Sessio ultima.—Tuiching the propositioun made in the Assemblie, upon the privat motiouns of sindrie particular brethrein from diverse parts to the moderator, desiring that a certane number of brethrein of best judgement and experience sould be putt apart, to

consider of the cheefest dangers appearing to the estat of religioun and quietnesse of the countrie, and of the principall causes therof, and how the same might be most effectuallie prevented; with power to them to conclude and communicat their best advices to his Majestie theranent, and to the presbytereis so farre as it sall be found expedient: The Assemblie finds the same most requisite; and for the effect abovewrittin, nominateth, &c., with power, as said is. The which brethrein having at lenth communicated their informatioun, together with their owne knowlèdge anent the premisses, find, that one of the cheefest causes of danger proceeds from the miscontentment of some malicious and restlesse Papists, that rage, and leave nothing unassayed to trouble; for being out of all esperance to have his Majestie's indifferent affectioun or oversight toward them and their religioun during his raigne; and of others, that by the executioun of justice find themselves or their freinds, and their hous, to have susteanned anie losse, and to be impaired of their greatnesse and dependance, and redacted to live under the obedience of lawes, otherwise nor they were wount; and from the malicious bussinesse of certane craftie and seditious persons, that ather for the present necessitie of their owne estat, or for the hope of advancement and gaine to be had in the change of the present governement, ceasse not by all meanes to inflamme the hearts of suche as they perceave to be miscontented in anie estat, and making everie man to see his owne desire in the trouble of the countrie; dealing in the meane tyme likewise, with suche as are of the most sincere affectioun to religioun and justice, that things are not done of that integritie that is professed; preassing heereby to make the godlie and good subjects the more cold adversareis to suche as would intend a trouble: for remeed wherof, it is thought good, and concluded, that his Majestie sall be informed heeranent, that by his owne care and foresight suche ungodlie platts and counsells may be frustrated. And siclyke, that everie minister within this realme sall deale generallie with their congregatiouns and auditors at all occasiouns, in their publict doctrine in pulpit; and with all noblemen, barons, gentlemen, and others, that are of

anie speciall credit or power, particularlie in their privie conferences, perswading them of the king's honest minde toward the establishing of the true religioun presentlie professed within the same, and the executioun of justice; and of his steadfast resolutioun to hazard his estat, life, and crowne, in the caus of the Gospell, with the standing and falling wherof, he acknowledges his standing and falling to be inseparablie joynned. And that they marke carefullie the actiouns of all men, speciallie of suche as ather for religioun, or executioun of justice, or for the necessitie of their owne estat, mislyke the present governement, and are inclynned unto novatiouns; and whom they see in anie extraordinarie kinde of bussinesse, by their custome; and that they make his Majestie's ministers acquainted therewith; not ceasing, in the meane tyme, to bring them to a quiett minde. And for this effect, that in all their ordinarie meetings in sessiouns, presbytereis, and provinciall assembleis, there be a particular and privat inquisitioun in all these points as need beis, that his Majestie's ministers be advertised with all expeditioun. And likewise, it is thought expedient, and concluded, that his Majestie's ministers, and suche others of the ministrie as sall have occasioun to be in anie charge about his Majestie, informe the presbytereis of the estat of things, as they proceed, so farre as it is needfull for the weale of the caus: And that this advice be extracted, and sent with diligence to everie presbyterie, in authentick forme, &c.

The nixt Assemblie is appointed to be holdin at Aberdeen, the last Tuisday of Julie, the yeere of God 1604 yeeres.

MR R. BRUCE URGED TO CONFORME TO THE ACT.

The Assemblie being ended, the king sent for Mr Robert Bruce. Mr Robert cometh directlie to the Scheans, where he findeth the ministers of Edinburgh and others conveenned. After incalling upon the name of God, Mr James Melvill deduced to him the proceedings of the Assemblie, and how the act past against him, notwithstanding that manie oppouned. "Yitt seing it is past," sayeth

he to Mr Robert, "yee have a farther warrant than yee had before." Mr Robert granted, but said he, "I crave no farther of the king and the Assemblie, but that that mater might be left to my libertie; and I sould doe therein as God sould direct me by his Spirit." They thought it verie reasonable, and said it could not be refused. So they went into the toun.

The day following, Mr Johne Hall invited him to dinner, and promised to dresse that mater to his contentment. There he mett with Mr Walter, Mr James Balfour, and other brethrein. The whole number said he stood upon triffles. Mr Johne Hall was so farre from performing his promise, that he found him large worse nor the king himself. So he parted from them with great miscontentment, and was commanded to keepe his loodging till the king sent for him.

The king sent for him, and urged him to preache as of before. "Give me leave, Sir," said he: "suppone I were resolute, and readie to preache as your Majestie biddeth me, lett me know one thing: I pray you, Sir, how long sall I stay there, after I have preached?" "Marie, even as I find you," said the king, "to favour or disfavour me in your preachings." "That is weill hard, Sir," said Mr Robert; "for there may be manie wrong constructiouns made to you. Alwise, if it will please your Majestie to lett me have my libertie, I will doe as God sall direct; if otherwise, I turne me heere to the commissioners: lett me see," sayeth he, "your act: I sall give you an answere the morne."

The king consented to this. So, upon the morne, he was readie to give his answere, after he had gottin the act. The Laird of Beltreis shewed to him that the king was gone to the hunting. So Mr Robert retired out of the toun to Restalrig, becaus the toun refused to take to his use the loodging wherein he was wount to loodge. The day following, he sent to the king, and desired accesse. Beltreis reported, that the king would not be at leisure, and that he would appoint him a text, and injoyne him suche things as he would have recommended to the people. Mr Robert desired him to purchasse him licence to returne home, because it

was now Saturday, and it behoved him to teachè upon the Sabboth. Beltreis, after conference with the king, certified Mr Robert by letter, if ever he resolved to reside in Edinburgh, he must lay his compt to satisfie there, at his first entrie. "So, Sir, (writteth he,) I thinke his Majestie dealeth with you most gratiously; and I pray you, Sir, for God's caus take away all eyelasts ather givin or taikin on your part, concerning his Majestie. And becaus I see I must retire home for a short while my self, yee sall doe weill, in my judgement, to retire home also, upon the excuse I have made to his Majestie alreadie, till I returne; at which time I will beginne of new to intreate his Majestie in your favours, as I have ever found him favourable. In the meane tyme, I would wish you to exercise your self in preaching, and so to behave yourself towards your neighbours, that thereby they may make good reports to be caried to his Majestie's eares tuiching you, which will make a smooth way to you for your entrie to Edinburgh, and opin a doore to your libertie, which ye pleade so muche for." Mr Robert retireth from Restalrig to Smetoun, and upon the Tuisday following, the Laird of Beltreis sent him this letter following:—

BELTREIS' LETTER TO MR R. BRUCE.

"Sir,—I enquired of his Majestie yesternight if he had anie new intentioun anent you. He answered, none; but that yee sould enter, and doe your duetie, as was told you of before. His Majestie alledges, yee never baid long at one resolutioun; for after my excusing you of your not abilitie for preaching this last Sabboth, as yee willed me to doe, yitt yee sent Mr Henrie Blyth to the moderator, to inquire if yee sould teache. This I was ignorant of, but yitt I answered, that it was upon a feare which possessed you of a new offence in not teaching; and so, that was done, for the full assurance of his Majestie's minde in it. To the purpose: Sir, yee sall enter, if yee please, on Sunday nixt; and advertise his Majestie two or three dayes before, inquiring if he please to speeke with you. At your entrie, yee must doe (as his Majestie speekes is) the duetie

of a good subject and of a good pastor; not to say simplie, yee are resolved, which yee have done alreadie; but yee must endeavoure to remove all scruple from the auditor, als weill in clearing his Majestie's innocencie, as of their guiltinesse. These are his Majestie's owne words. And my poore advice is, to satisfie his Majestie, seing (with manie) I thinke it may and would be done, being a thing able to doe good to the king and whole commoun weale, to knitt the hearts of his people to him by removing scruples, if anie be, or by confirming them in the conceaved truthe, which, by your silence in this mater, will be called again in questioun by them. The Lord give you that resolutioun which may best serve for his glorie.

"Halyrudhous, this Tuisday, the last of November, 1602.

"Keepe this ticket for both our warrants."

Mr Robert, finding by this and other advertisements, that the satisfactioun of the act would not satisfie the king, and without his full satisfactioun there was no remaining for him, he thought it better to superseed his entrie, till he might gett a farther libertie, than to preache with the offence of his owne minde, and of good Christians; for the declaratioun which was craved of him would have beene compted by all men a flatt recantatioun of his former judgement, a pleasing of flesh and blood, which would turne to the disgrace of his ministrie. Upon the Sabboth that he sould have taught, there were foure commissioners in the kirk that day, Mr Robert Pont, Mr David Lindsey, Mr George Gladestains, Mr Alexander Forbesse, to marke what they might carpe. The act gave him libertie of tyme and place, but the commissioners tyed him to the first preaching day in Edinburgh. Suppose the mater was prescribed in the act, yitt the king would not stand to it, but conceaved words of his owne, and injoynned to him. And yitt, the commissioners, to make him odlous to the people and to the ministrie, as one who had deserted his flocke, reported, that he had gottin full libertie to enter if he pleased; and farther, that he had givin no answere to the king; when as he was readie everie day to

have givin his answere, but could not find accesse, the king alledging he was not at leasure. His meditatioun and prayer in the meane tyme was, that if it be the Lord's good pleasure to exercise him with a new tentatioun, to pull the people and the ministrie both from him, that it would please the Lord instead of the king, preest, and people's favour, to triple his Spirit upon him, and lett him see in his heart His face brighter and brighter; a threefold measure of His favour, to supplee his outward wants. Yitt was he not destituted alluterlie of witnesses; for Wisdome will ever be justified of her owne childrein. So Mr Robert, having tryed and found what the king and commissioners meant, choose to returne to his owne hous, which he did upon the first of December, and wrote this answere following to the Laird of Beltreis' last letter:—

MR ROBERT'S ANSWERE TO BELTREIS' LAST LETTER.

"SIR,—I was upon my journey homeward when I receaved your last letter; and hearing that yee were gone in the countrie, I delayed my answere till your returning. Therefore now, sir, for answere, first, I say, that if Mr Henrie Blyth had anie suche commissioun of me, or if the honest men will say so, in my name, I will be content to take that imputatioun upon me. But otherwise, as it is true, indeid, I receave wrong. I am no wise ambitious of it; for I have beene twise thrust into it, and als oft out of it. And I have no will, that his Majestie be compelled to use his royall office upon the remanent of my fraile life: for these foure or five yeeres bygane, I have been continuallie under a lingering and declynning death, which, I am assured, hath beene more troublesome and tedious to me, both in bodie and minde, than that houre of death sall be, when ever it sall please the Lord to call me thereto. I have not forgott these voices that oftin tymes I woundered to heare, that his Majestie dreadeth us bodilie harme. These things make me to looke or I leape, and to advise weill er I enter. And yitt I speeke not this, as if I were minded to shake off anie duetie that I ought to my flocke. But if it would please his Majestie to

suffer us to stand in that libertie wherin the Lord has placed us, and to speeke in the chaire of truthe, as the Word and Spirit of truthe sould direct us, I would promise by God's grace, when ever the Word sould give us occasioun, as oft tymes it will, that then, from the authoritie of the Word, I sall suppresse all sinister constructiouns of his Majestie's actiouns, and by the authoritie therof beate doun all seditious and insolent humours of subjects, that would preasse to usurpe upon their superiors; and so, from the Word, as moved thereby, to speeke upon these maters; which must have a farre greater grace, nor to speeke by way of injunctiouns, or to speeke as it were a cunned lessoun, or an A, B, C, putt in a man's hand. The one duetie smelleth of divine theologie, the other of court theologie, and does no good to the caus, but hurts greatlie. And as God liketh of a cheerefull giver, so, when the people seeth these high things to come freelie of my self, without constraint, nor yitt putt into my head, they will reverence them the more, and have the greater weight with them. So, to be short, coosin, if this sort of service may be acceptable to the prince, I am at command; if otherwise, I will hold me, with the benefite that I have gottin, within the compasse of obedience, and, by God's grace, sall be unreprovable of anie. Having no further for the present, I rest."

MR R. BRUCE REFUSETH TO ENTER WITH INJUNCTIONS.

Mr Johne Hall, Joseph Marjoribanks, bailliffe, Johne Johnstoun of Elphinstoun, Ninian Mackmorrane, merchant, went to the Kerse, to Mr Robert Bruce, upon the penult of December, with a commissioun, to aske wherefore he entered not into his calling, seing there was libertie granted to him by the king and the kirk, as they alledged. He answered, libertie was not granted to him to enter to his calling, but to preache injunctiouns, which the kirk was never accustomed with, and which he could not obey without offence of the Sonne of God. Mr Johne Hall denyed that there were anie injunctiouns layed upon him. Mr Robert proved there

was, thus: First, becaus the place was injoynned; nixt, the day and tyme; Thridlie, the persons were appointed to carpe and report; Lastlie, the verie words and mater was prescribed, as the letter directed from the Laird of Beltreis, who receaved the words immediatlie from his Majestie's owne mouth, may testifie. "Beltreis darre not stand by that letter," said Mr Johne; "and if so were, that is no injunctioun." "All these are beside the act," said Mr Robert: "the act giveth me libertie in all the circumstances. Therefore, it is not obedience to the act which yee crave, but onlie my disgrace, which is the readie way to make my ministrie unprofitable." Mr Johne answered, An injunctioun was a sinne; this which was craved, a thing lawfull, and therefore might be preached in the pulpit. Mr Robert denyed it to follow, becaus there was another word, which was left in register by the prophets and apostles, to be preached. He shewed them how farre he would speeke in that mater, if he spake anie thing of it in the chaire of truthe: for he had advised with the learnedest of the ministrie in England, who were urged, in the like maner, to publishe in pulpit the treasoun alledged upon Essex. Some of them refused; and when he asked the reasoun at some of them, namelie, at Mr Wottoun, preacher in the Towre Hill at Londoun, he answered, he refused not simplie, but onlie as from himself: for he nather saw, heard, nor knew anie thing of himself; the knowledge he had was from their Lordships, and from the benche, and that farre he was content to declare out of the pulpit. They departed, as appeared, weill satisfied. Mr John informed the king of everie word that past, wherewith he was not weill pleased.

M.DC.III.

A COMBAT APPOINTED BETWEEN F. MOWBRAY AND THE ITALIAN.

It was ordeanned, that Francis Mowbray, and the Italian who accused him of treasoun, sould fight hand to hand, in the great closse of the Abbey of Halyrudhous. The fyft of Januar was

appointed for the combat. The barrasse being made, and preparatioun, advertisement was sent two or three dayes before out of England to stay the combat, becaus there were certane Scotish men who would verifie the treasoun. So, upon hope of farther tryell, it was delayed.

MR D. BLACK'S DEATH.

Mr David Blacke, some tyme minister at St Andrewes, but now minister at Abirlett, beside Arbrothe, going to Perth for his needfull effaires, loodged by the way in Dundie; and upon Tuisday, the 12th of Januar, whill he was putting his hand to the bread, immediatlie after the blessing, he sattled doun, and randered his spirit, with lifted up hands to the heavens. Thus died that zealous, faithfull, and painfull pastor, of an apoplexie, to the great dolour of the godlie. He ministred the communion upon the Lord's day immediatlie preceeding, and never so confortablie, howbeit at all tymes he wount to be confortable. Mr James Melvill deplored the losse which our church had by his death, in certane sonets.

MR R. BRUCE YITT STRAITED WITH THE ACT.

The Laird of Beltreis, directed from the king to Mr Robert Bruce, about the midds of Januar, craved his letter from him, which he sent last, for it had made sturre eneugh. Mr Robert gave him his letter, and his answere to it, which he purposed to have sent to him, but had not yitt sent it. "I need no answere," sayes Beltreis. "It will shew my minde, notwithstanding," said Mr Robert, "and yee may communicat it to whom yee please." Beltreis receaved it, never opened it, but delivered it closed to the king, and played the courtier in that point, and in his speeches also, as Mr Robert learned after, howbeit he was his neere kinsman. At the first meeting of the commissioners, the king urged them to depose Mr Robert, in respect that he obeyed not the act of the Assemblie. They answered, they had no power to depose him.

The king demanded nixt, if they had power to remove him from Edinburgh, and to declare the place vacant? They answered, they had power; and devised summouns, to summoun him to compeere. Before the summouns were executed, Cornelius Inglis and George Heriot, men weill approved by Mr Robert, were directed to him from the Counsell of Edinburgh, to shew him that there was nothing but extremitie intended, and that summouns were directed alreadie against him. Mr Robert asked, what warrant sall he have to enter to his calling, incace he goe with them, and satisfie the act? They answered, his Majestie would grant no warrant nor conference, nor delay of ane houre. "How, then; would yee have me to goe with you?" said Mr Robert. "It is fitt yee goe," say they, "howsoever it be, that yee may show yourself readie, and putt the blame off your self." Mr Robert sought counsell of God that night, and came with them the day following, that is, the 19th of Januar, to Edinburgh, and loodged at the West Port, in Johne Howeson's. The day following, he directed this letter following to the counsell, with the commissioners above named, which was delivered the day following, which was the counsell day; the tenour wherof followeth:—

MR R. BRUCE'S LETTER TO THE COUNSELL OF EDINBURGH.

"Right worshipfull Fathers and Brethrein,—Notwithstanding that the discharge of my calling in your citie have beene accompanied with verie manie great difficulteis in tyme past, and there appeare no lesse, yea, rather greater, to ensue in tyme to come, yitt certanlie, the constancie of your affectioun makes me to forgett things past, and committ the issue of things to come to the living God; and to offer my travells willinglie, if it could please God, in anie sort, to move his Majestie's heart, to suffer us to stand in that libertie wherin the Lord, the Sonne of God, has placed us, and to speeke in the chaire of truthe, as the Word and Spirit of truthe sould direct us, being left to our libertie. I might boldlie promise, with God's grace, when ever the Word sould give us

occasioun, (as oft tymes it will,) that then, from the authoritie of the Word, I sall represse all sinister constructiouns of his Majestie's actiouns, and by the authoritie therof, beate doun all seditious and insolent humours of subjects, that would preasse to usurpe upon their superiours; and so, from the Word, as moved thereby, to speeke upon these maters; which may have a farre greater grace, nor to speeke by way of injunctioun, or to speeke as it were a cunned lessoun, or an A, B, C, putt in one's hand. The one duetie smelleth of divine theologie, the other of court theologie, and doeth no good to the caus, but hurteth greatlie. And as God lyketh of a cheerfull giver, so, when the people see these things to come freelie of my self, without constraint, or yitt putt into my head, they will reverence them the more, and have the greater weight with them. So, to be short, brethrein, if this sort of service could be agreeable to his Majestie, I am at command; if otherwise, as God forbid, ye will hold me excused. For whereto sould we enter to be a plague to the people, a shame to the kirk, and a curse unto our owne soules? The Lord of his mercie make us faithfull to the end, and turne all our wanderings and sufferings to his glorie, and our perpetuall confort.

"Your brother in the Lord, and one of the pastors of your citie,

"MR R. BRUCE."

MR R. BRUCE READIE TO ENTER TO HIS PLACE.

Immediatlie after this letter was read in the counsell, Sir Patrik Murrey cometh, directed from the king to them, with Mr Robert's last letter to Beltreis in his hand, which he desired to be read, and then to give their judgment of it. After it was read, their judgment being craved, ather to justifie or condemn it, they answered, they could not be judges in that mater, for the letter was not directed to them, nor yitt to his Majestie, but to a privat subject, with whom they had no medling.

The same day, after noone, Mr Robert sent Cornelius Ingles and

George Heriot to the king, to signifie that he was come, and was readie to re-enter in his calling. At the first, the king seemed to be weill content: but in the end, stirred up, as appeared, by Sir Patrik Murrey, he fell out in very hard speeches against Mr Robert, and more fearefull than ever he uttered in his tyme, in the audience of the bailliffes and whole multitude that followed them; so that George Heriot and Cornelius Ingles repented that they had brought him to the toun. In end, the king came to this point, that Mr Robert sall advertise him two or three dayes before he enter, to the end he might appoint some of the commissioners, or suche others as he thought meete, to heare him. Upon Saturday, in the morning, the 22d of Januar, Mr Robert being readie to leape on horsebacke, to ryde to Smetoun, James Aikenheid, bailliffe, and Johne Robertsone, directed from the king, inhibited him to goe to the pulpit, unlesse he advertised the king two dayes before. They feared, as appeared, that he would enter that Sabboth. Mr Robert promised to doe so, and withdrew himself out of the toun. Upon Thursday the 27th of Januar, he sent a ticket to James Aikenheid, bailliffe, willing him to signifie to his Majestie, that he was readie to enter to his calling, God willing, the next Sabboth, and sould doe all that lay in his power to pleasure his Majestie in God. James Aikenheid finding Mr David Lindsey in the king's utter hall, desired him to convoy the ticket to his Majestie, and to returne him an answere. Mr David reading it, and finding these words in the end, "in God," he said, "This will not doe the turne: he must obey our injunctiouns." The bailliffe, notwithstanding, desired him to seeke an answere. Mr David, after long conference with the king, cometh forth, and denyeth to the bailliffe, that the king had seene the letter, and commanded him to send for Mr Johne Hall. After he had conferred long with the king, he reported this answere to Mr Robert's wife, that the king would not looke upon the ticket, but would have it mended; and instead of these words, "in God," he would have these words to be put in, "according to the act." At her desire, he writteth to Mr Robert himself.

MR J. HALL'S LETTER TO MR R. BRUCE.

"SIR,—James Aikenheid, bailliffe, gave intelligence to his Majestie, that yee were purposed to preache this nixt Sabboth, God willing; and I being doun in the Abbey, his Majestie gave me this answere, and ordeanned me to signifie the same unto you: that is, Because your advertisement was generall, and thereby he could not understand what yee was to doe in the mater wherein he has beene offended; also, he would assure you, that if yee entered into the pulpit, and did not according to the act of the Assemblie, it would be mater of great irritatioun. Therefore, by your ticket, yee would certifie again, that yee are readie to preache, and to satisfie his Majestie, according to the act of the Assemblie, or otherwise, it will not be heard as a sufficient offer. Sir, if yee write heeranent to me again, I sall be readie to deliver it, and show you the event.

"Your brother in Christ,

"MR JOHNE HALL."

MR R. BRUCE'S ANSWERE TO MR J. HALL.

After Mr Robert had receaved this letter, he wrote to Mr Johne Hall, signifeing, that seing he could not enter in to his calling but upon that conditioun, that notwithstanding, he had gone als farre in his letter as anie servant of God could goe, and none could promise more, except he who had his commissioun from himself: "Yitt seing, brother," said he, "yee crave a special answere, yee must pardoun me, before I answere to your speciall, to crave this speciall of you: and in respect this also dependeth upon his Majestie's gracious favour heere, I must crave the helpe of your intercessioun, to take the paines to purchasse me a warrant under his Majestie's hand, that it may be leasome to me to enter fullie and freelie to my calling; and that the act of counsell, that inhibits me, under the paine of death, to teache in his dominiouns, may be deleted, and lease the strenth of it against me, incace I so doe; and I sall give his Majestie a verie resolute answere." Mr Johne, after long conference with the king, sent this letter following to Mr Robert:

MR J. HALL HIS OTHER LETTER TO MR R. BRUCE.

"SIR,—After the recept of your letter, I went to his Majestie, and communicated to his Hienesse the desire of the said letter, and used suche humble meanes as I could, ather to obteane the same for you, or ellis to find out his utmost resolutioun; who, in end, delivered his determined will in this maner: Seing the ground of the act of the Assemblie proceeded from his Majestie's owne good will for furthering the kirk of Edinburgh, so be it he might be satisfied to his honour; and seing the Assemblie, as the act beareth, devised and appointed the easiest way for you to content him, he declared himself then willing, after the accomplishment of the said act by you, to declare his will anent your re-entrie to your office in Edinburgh, with advice of the commissioners therof. Heerefore his Majestie will no wise make anie compromitt in that mater, nor give word nor warrant in writt for your repositioun, till he be first satisfied on your part. Secundlie, he will not have your first preaching in Edinburgh to be compted your re-entrie to the ministrie there, but onlie a sermoun of satisfactioun to his Majestie. And, last, if yee minde so to doe, and advertise him that yee will preache the first day, according to the tenour of the act foresaid to that effect, yee sall receave a warrant; and also, if yee doe your duetie, he sall not be found to goe backe from nothing promised to the Assemblie. Sir, this is the effect that has followed of my travell, or, so farre as I can see, will be obteanned at his Majestie's hand, in this earand. God direct you by his Spirit, to doe as may best serve his glorie, and the helpe of this kirk, that lyeth so long waiting your labours."

(*Subscribitur supra.*)

THE COMMISSIONERS INTEND A NEW COURSE AGAINST MR R. BRUCE.

By this answere, Mr Robert perceaved cleerelie, that he was not

sought to his calling, but to a preaching of satisfactioun, which depended altogether upon his Majestie's interpretatioun; and if his Majestie continued in the minde which presentlie possessed him, he looked for no good constructioun, but that the satisfactioun sould be infinite and endlesse. So, to keepe himself out of a labyrinth, and to eshew farther irritatioun of the king, he thought expedient to desist from farther persute; for he could see no calling for these sermouns of satisfactioun; and without a calling, he promised to himself no blessing. So he retired from Smetoun to Cranstounda, where he stayed eight dayes, with that religious and zealous professour, Sir Johne Cranstoun of that Ilk; looking in the meane tyme, that the summouns directed out against him to compeere, to see his place declared vacant, and another to be planted in his rowme, sould be sent to his dwelling-hous. But he findeth at last, that the commissioners intended not to putt in executioun the summouns; but had devised a new course, to witt, without citatioun, to declare the place to be vacant; and that in respect, as they alledged, they had found the fault of his lying out to be in him self, and not in the king. Sir Patrik Murrey was to be sent to the counsell of Edinburgh, to seeke a ratificatioun of the act. Some that favoured Mr Robert advertised him secreitlie, and desired him to write to the toun counsell, and to declare his readinesse both to re-enter to his calling, and to doe all that lay in him to pleasure his Majestie, in God. Mr Robert went home, and soone after, that mater was agitated again before the toun counsell. Mr Robert understanding that sindrie of the counsell knew not perfytelie what was his last offer, or what were the proceedings betuixt the king and him, least they sould misconstrue his actiouns, he opened up his minde fullie to them, in the letter following:—

MR R. BRUCE'S LETTER TO THE COUNSELL OF EDINBURGH.

"Right worshipfull Fathers and Brethrein,—Least anie man sould stand in doubt of my minde, and last offer to his Majestie, I thought good, with all diligence to deliver the hearts of men of

that doubt; assuring all honest men, that I came of minde, and thought verilie to have entered into my calling, seing my repositioun therto was the ground of that act; and in my calling to have done all that lay in my possibilitie to have satisfied his Majestie, in God. And to this effect, I craved that the act of counsell which stood against me, which closeth up my mouth, might be deleted, and that I also might have a warrant from his Majestie, to testifie his Majestie's good will to my free and full repositioun. For the exemple of Mr William Watsone learned me, to seeke these things in tyme: and, seing these things were refused unto me, and a warrant to make a sermoun of satisfactioun was onlie offered unto me; to eshew his Majestie's farther irritatioun, as also to eshew the bringing in of that preparative tuiching sermouns of satisfactioun, I choosed rather to retire with the peace I had alreadie gottin, nor to doe anie thing wherof I was not weill resolved, as yitt, how it might stand with the good pleasure of my God. For in the chaire of truthe, I am resolved, by his grace, to follow the Word and Spirit of truthe; to doe there as that Spirit and Word sould direct me. If I sould promise anie other thing, I might weill procure the wrath of God, and kindle a fire within my owne conscience: but it lay not in my power to performe anie farther nor as the Lord sould furnishe. So, I desired, as the free man of God, to goe free to his chaire of truthe, hoping certainelie to have givin contentment to all honest-hearted men. So, in a word, brethrein, assure your self, that I was minded to have entered into my calling, and to have done in that mater tuiching that act, and in all other maters, so farre as God, by his Spirit of mercie, would have assisted me. And in this minde I remaine as yitt, and prayes you to doe all that lyes in your possibilitie to pleasure his Majestie, in God: To whose happie and blessed protectioun I committ you and all your effairs."

(*Subscribitur ut supra.*)

This letter was directed from Mr Robert, when he was in Glasgow, upon the 10th of Marche. But his freinds thought it not expedient that it sould be presented, becaus the contents of it would

come to the king's eares, and disturbe the peace alreadie transacted betuixt the king and the counsell. This was the advice of some of the toun counsell; for they being urged, as said is, to approve the commissioners' decreit, and consequentlie to acknowledge the rowme to be vacant, they resisted so long as they might. At last, being threatned with letters of horning, they imployed Mr Johne Hall his credit, and desired him to divert the king off the foresaid course; and to assure him, that if he could not be otherwise satisfied but by their obedience, they would obey, but by a protestatioun, that is, against their conscience and their minde. Mr Johne diverted the king, indeid, off that course. So the mater lay over till the end of Marche; at what tyme, it pleased the Lord to call upon that worthie ladie, and princesse of singular governement, Elizabeth, Queen of England.

F. MOWBRAY'S DEATH.

In the meane tyme, upon the 29th of Januar, the king and counsell were occupyed for the most part all that day, in the examinatioun of Francis Mowbray and the Italian, and confronting Francis with other two Scotish men sent out of England, but of light accompt, becaus they had spent their moyen, and were forced to leave the countrie; to witt, Mr Walter Mowbray and Johne Andersone. The day following, that is, the Lord's day, the penult of Januar, Francis Mowbray assayed to come doun the wall of the castell, upon peeces of the blankets of his bed sowed together, on the night before. The blankets were too short, so he fell; and in falling, felde himself upon the craig, about eight houres at night. He was apprehended immediatlie, but was speechelesse, and died about three houres in the morning. Upon Moonday, the last of Januar, his bodie was drawin backeward to the Tolbuith, where the doome was pronounced, that he sould be drawin backeward to the gibbet, and there hang for a certane space; and then be quarterod, and the members of his bodie to be sett up in publict parts of the toun. It is marked, that when he was examined, he

said before the king, "If ever I thought evill, or intended hurt against my prince, God, that marketh the secreits of all hearts, make me to fall at my enemeis feete, make me a spectacle to all Edinburgh, and cast my soule in hell for ever;"—and being required, subscribed these words. He fell at his enemeis feete indeid, for the Italian was above him, in a chamber. He was made a spectacle to Edinburgh. As for the thrid, we remitt to God, who saveth and condemneth whom he pleaseth. It is reported, that he sought his supper sooner than at other tymes, as though he had some letters to write. After supper, he rave the blankets in foure peeces, and sowed them together, and that he was minded to doe the like with the scheats. The keepers comming to the doore, and finding it closed, cryed. He thrust himself for haste out at the window, and cometh doun upon the blankets. The keepers getting entrance, and finding him away, cry, "Treasoun!" They goe to the window, and shake the blankets. The blankets being short, he falleth. Some horsemen were awaiting on, to carie him away. But finding him unable, they spoyled him, and departed, and his bodie was brought up to the castell. The Italian was sett at libertie, and was to be rewairded.

GREAT SLAUGHTER IN LENNOX.

Upon the 8th of Februar, a great company of sorners and brokin Hieland men, of the clan of Mackgregore, to the number of foure hundred men, came doun to Lennox, to reave and spoyle. The people of the countrie conveenned, to make impediment. There were slaine of the countrie people, speciallie of the surname of Cahowns, to the number of fourescore persons, or thereby, of which number, twentie-foure or threttie were landed men of good ranke. The Laird of Luce himself, cheefe of the Cahowns, escaped narrowlie. It was reported, that this was done at the instigatioun of the Duke of Lennox his ladie, seeking the wracke of the Laird of Luce, who held of the king and not of the duke.

HUNTLIE, MURREY, AND ARGILE RECONCILED.

Upon the 23d of Februar, after long travell taikin by the king, the Erle of Huntley and the Erles of Murrey and Argile were reconciled, after long feed for the slaughter of the Erle of Murrey.

THE COMMISSIONERS ORDEANE SIR JOHNE KER TO BE ABSOLVED.

Upon the 25th of Februar, the commissioners of the Generall Assemblie, the king being present, ordeanned Sir Johne Ker, an adulterer, his wife yitt living, to adhere to Dame Margaret Whytlaw, an adulteresse, her husband, the Laird of Innerweeke, yitt living; approved their mariage, notwithstanding he had committed adulterie with her before, and ordeanned them to be absolved from the sentence of excommunicatioun, which was pronounced by the ministers of the South. These were the good effects of the commissioners' proceedings, who had no regarde to the credit of this kirk, but to their owne rising and preferment. But the Lord ratified in the heavens the sentence justlie pronounced against them by the ministers of the South; for their estat is wracked: she ended her life with great paine, her excrements comming out at her mouth, and was buried in the Abbey kirk, foureteen dayes since, that is, in Aprile 1627, and skarse fourtie persons accompanied the corps to the grave. She cryed often, "I have beene the vilest harlott that ever was!" But she made no mentioun of her wicked practises by witchecraft, and consulting with witches. Sir Johne himself may skarse be seene at this houre.

THE COMMISSIONERS' DECLARATIOUN AGAINST MR R. BRUCE.

At the same verie dyett, howbeit Mr Robert Bruce had offered to satisfie the act of the Generall Assemblie, they declared, that his not re-entrie to the ministrie of Edinburgh came through his owne default. So weill did their proceedings agree with other,

and so lyke were they to themselves, that they were ever doing evill, and did never a good turne, nor had ever anie good end before their eyes. But as they have sold themselves to bereave this kirk of her liberteis, so, as men bereft of all sense or conscience, they regarded not what they did.

Upon Thursday, the 24th of Marche, the Queen of England departed this life, betuixt two and three in the morning. Before her departure, she declared, that it was her will that the King of Scotland sould succeed to her in all her kingdoms. The counsell and nobilitie who were present, concluded to proclame King James the Sixt, King of Scotland, King of England, France, and Ireland; which was first done at the palace of Quhythall, and after at the Croce of Londoun, about ten houres before noone, with great applause of the people. A copie of the proclamatioun was sent to Ireland, to be published there. The counsellers and nobilitie who were present satt in counsell till ten houres at night, at which tyme, they directed Sir Charles Percie, the Erle of Northumberland's brother, and Thomas Somerset, the Erle of Worcester's sonne, to our king, in all haste, with a letter, subscribed with threttie-three or threttie-foure hands of counsellers and noble men. The copie of the letter heere followeth:—

THE COUNSELL OF ENGLAND'S LETTER TO THE KING.

"Right High, Right Excellent, and Mightie Prince, and our dread Soverane Lord,—As we cannot but confesse to your Majestie, that the greefe which we have receaved by the deceasse of our late soverane ladie, (whose soule, in your palace of Richmont, past from her earthlie bodie to the joyes of heaven, betuixt two and three of the clocke this morning,) was no lesse greefe than was our loyaltie and love to her, whill she lived; being a princesse adorned with vertues meete for governement, prosperous in the successe of her effaires, and under whose obedience we have lived in greatest tranquillitie so manie yeeres as seldome happenned princes to raigne; so we must confesse, that our sorrow is extinguished by the impres-

sioun which we have, of these heroicall vertues of wisdom, pietie, and magnanimitie, which we know to be in your Majestie's persoun, to whose right the lineall and lawfull successioun of all our late soverane's dominiouns doeth justlie and onlie apperteane. Wherin we darre presume to confesse this muche, als weill for the honour which will remaine thereby to our posteritie, as for your Majestie's securitie of a peaceable possessioun of your kingdoms, that we have never found, ather in these of the nobilitie, or anie others of the estate of this realme, anie divided humours, about the receaving and acknowledging your Majestie, to be the onlie head that must give life to the present maimed bodie of this great kingdom; which sall be happie, as with our universall consent, to have receaved a sole, uniforme, and constant impressioun of your right of blood, as the nixt of kinred to our soverannesse deceased, and consequentlie, by the lawes of this realme, true and right heyre to her kingdoms and dominiouns; wherof we have made outward demonstratioun, by publict proclamatioun on this Wednisday, before noone, first, in the citie of Westminster, at the gate of your palace of Whythall, and nixt, at the Croce, in these parts within your Majestie's citie of Londoun, with an infinite applausing of your people, and with suche solemniteis as the shortnesse of tyme would permitt, agreeable to the custome in like cace.

"Of all these our zealous and affectiouned proceedings, we have thought it our dueteis immediatlie to advertise your Majestie, by these two gentlemen, Sir Charles Percie, knight, brother to me, the Erle of Northumberland, and Thomas Somerset, esquire, sonne to me, the Erle of Worcester; of whom we have made choice to be the bearers of these our letters: Humblie beseeking your Hienesse to accept the same, as the first fruicts and offers of our tender and loyall affectiouns towards you, our gratious soverane; and to rest assured, that the same sall be ever heerafter remembred, with all faith, obedience, and humble service, which sall be to our power to performe, for interteaning that which we have begunne, even with the sacrifice of our lives, lands, and goods; which we heere, with all humble mindes, doe prostrat at your Majestie's feete;

craving of your Hienesse, that seing yee may perceave heereby in what estat we remaine, which is, as it were, a bodie without a head, or rather, without their spirit heere amongst us, which from the head must gather vigour to each member, to exercise the duetie to him belonging: Whereby, to keepe the whole from confusioun, your Majestie will be pleased to enter in consideratioun, how soone, and in what maner it sall seeme best to your Majestie, to inspyre a new life in this languishing bodie, the circumstances wherof, all whollie to be left to your owne excellent wisdom; holding it eneugh for us, heereby to acknowledge our selves your true subjects, readie to obey all your commandements, with assuring your Majestie, that as we have heereby, als manie of us as have underwrittin this letter, declaired with recognitioun and humble submissioun to your Majestie's soverane power and right; so we doe acknowledge, by all good prooffes, that the minde of the rest of the nobilitie, and all others who are absent in their several quarters, places, and charges, whom the tyme permitted not, without prejudice to your Majestie's effaires, to have assembled so soone as we were desirous that this sould be first performed, are whollie and resolutelie consenting with us, in all zeale, duetie, and obedience toward your Majestie, for all things that sall be imposed upon them by your royall will and pleasure.

"Farther, we have thought it necessar to advertise your Hienesse, that Sir Robert Carie is departed this morning from hence, toward your Majestie, not onlie without the consent of anie of us that were present at Richmont, at the time of our soveran's deceasse, but also, contrare to suche commandements as we have power to lay upon him; and to all decencie, and maners, and respects which he ought to so manie persons of our degree; whereby it may be, that your Hienesse hearing by a bare report onlie of the death of the late queen, and not of our care and diligence in establishing your Majestie's right heere, in suche maner as is above specified, may ather receave report, or receave doubts of other maters than, God be thanked, there is cause ye sould: Which we would have cleerelie prevented, if he had borne so muche respect to us, as to have

stayed for a commoun relatioun of our proceedings, and not thought it better to anticipat the same. For we would have beene laith, that anie person of qualitie sould have gone from hence, who sould not, with report of her death, have beene able to relate these first effects of our assured loyalteis.

"And, lastlie, it may please your Hienesse also to recgave this advertisement, that of late we made readie, by a command of the queene, our Maistresse, a good fleete of eight or ten of her shippes, weill manned and furnished, under the charge of Sir Richard Lawsoun, knight, to have beene imployed upon the coast of Spaine. Which imployment, by her death, ceasseth, for want of commissioun to execute the same, and now are keeped together in the narrow seas, to prevent anie suddane attempt from the Low Countreis. And for that there is nothing nather of land nor sea that is not yours, it may please your Hienesse to signifie your pleasure concerning that fleete, and whether yee will have it, or anie part therof, resorted to the coasts of Scotland, where it may serve you, ather for the safe convoying of your persoun in this realme, if it sall be caus to use it in that maner, or to transport anie of yours, whill yee are by land, or anie other service. In which point we humblie beseeke you to make knowne, under whose charges it sall be your pleasure the whole fleete, or anie part of them, sall come to you.

"And this being all that for the present doeth occurre unto us to be advertised unto your Majestie by us, whose mindes are occupyed about the conservatioun of this your realme in peace, als farre furth as lyeth in our power, for your Majestie's service, saving that we have sealed a like copie of this proclamatioun to your Majestie's deputie of Ireland, to be published in that kingdome: We will end with our humble prayers to Almightie God, that we may be so happie, as people, to injoy the confort of the presence of your royall persoun, which is the onlie object of that glorie and these felicitеis which we have in this earth propouned to our selves.

"Writtin in your Majestie's citie of Londoun, the 24th of Marche, 1603, at ten houres of the clocke in the night.

"Your Majestie's humble, loyall, and faithfull subjects."

Sir Robert Carie came before, without consent of the counsell, and was weill accepted by the king.

THE KING PROCLAIMED KING OF ENGLAND.

The king was proclamed King of England, Scotland, France, and Ireland, at the Croce of Edinburgh, upon the last of Marche; which was done with noise of trumpets, playing upon instruments, singing, and great acclamatioun of the people. Upon the Lord's day before, fires of joy shynned from the Basse, and other eminent parts.

The King of France his ambassador being heere for the tyme, was greeved becaus he could not gett advertisement sent to the King of France; for the shipps both in England and Scotland were stayed, and his letters intercepted.

The ministers in and about Edinburgh went doun to the king, to congratulat his exaltatioun. At which tyme, some made mentioun to him of Mr Johne Davidsone. Becaus the king appeared not to be adverse from his releefe, the Presbyterie of Edinburgh sent to him this letter following:—

THE PRESBYTERIE OF EDINBURGH'S LETTER TO MR J. DAVIDSONE.

"BROTHER,—After our heartilie commendatiouns: Sindrie of our brethrein speaking his Majestie this day, remembred you, and sought for your releefe; which his Majestie, upon your behaviour, appearandlie was not against. We will neerefore requeist you to write to his Majestie a letter of congratulatioun, for this worke of God toward his Majestie; as also of your affectioun toward his Majestie, as God sall direct you. Referring credite to the bearer, we committ you to God. From Edinburgh, the penult of Marche, 1603.

"Your brethrein and fellow-labourers in the ministrie,
the Presbyterie of Edinburgh, and in our names,
"RICHARD THOMSONE."

MR JOHN'S ANSWERE TO THE PRESBYTERIE OF EDINBURGH.

"My heartie thankes, (loving brethrein,) remembred, for your Christian care toward me; I am to pray you to advise me in particular, what, and how yee would have me to write to his Majestie for his favour, and I sall obey your advice in writt, so farre as I may, in conscience, according to God's reveeled will; and sall not onlie congratulat for this wonderfull worke of God toward his Majestie, but also sall pray from my heart, and move all whom I may to pray, that God would preserve him in soule and bodie, and send him good successe, in getting prerogative of the honour of the union of these two kingdoms, never yitt united after suche sort from the beginning. I pray you that are the Lord's watchemen, to call to his Majestie's remembrance, the saying of the good King Ezekias: 'For the Lord your God is gratious and mercifull, and will not turne away his face from you, if yee convert unto him, &c. And the good Lord be mercifull unto him that prepareth his whole heart to seeke the Lord God,' 2 Chron. xxx. 9; xviii. 19;—and that he ever take heed, 'that he helpe not the wicked, nor love them that hate the Lord,' (2 Chron. xix. 2,) 'but putt his trust in the Lord his God;' and as Jehosaphat sayeth, 'he sall be assured; beleeve his prophets, and he sall prosper,' 2 Chron. xx. 20. And last, that he remember, that 'God taketh away kings, and setteth up kings,' Dan. ii. 21.

"This is my faithfull, heartie, and loving advice toward his Majestie; use yee it, as yee see good. For, no doubt, this worke is of suche weight, as he can not faile to have need of counsell and confort from God, and good men his old freinds, er he have done with it. Would God my poore counsell could doe his Majestie good. All is not gold that glisters, they say. Fareweill in Christ. The last of Marche, 1603.

"Your loving brother,

"JO. DAVIDSONE."

MAISTER JOHNE'S LETTER TO THE KING'S MAJESTIE.

" Grace and peace, with a long, gratious, and prosperous governement.

" Youf Majestie's servitour, Mr Alexander Dicksone, directed from your Majestie, as he said, was with me this day, and desired suche things as I had writtin, tuiching some Historie of Scotland, to be brought to your Majestie's sight and view. I shew him that I never medled with writting of anie historie, saving that, about a dossoun of yeeres since, I beganne, after my meane maner, to assay what I could doe, tuiching the beginning and antiquitie of our Kirk of Scotland, and what martyrs I could find out in the same; the title wherof I thought sould be, CATALOGUS MARTYRUM SCOTIÆ. In the meane tyme, as I was to deduce that mater from soone after the dayes of the primitive kirk, cometh to my hands a worke of Camdene, English man, who defaced my ground of the antiquitie of Scotland, so before the hand, that I was drivin to labour that point of our antiquitie against him and others, and make it the first booke of my worke; wherin I found suche impediment, through raritie of ancient monuments, to my finding out, that I could not proceed no farther laudablie for the tyme in that mater. And so, leaving the worke about ten yeeres since, in scrolls, unworthie to be seene of anie man, muche more of your Majestie, I superseeded altogether to prosecute the mater farther, save onlie that I was searching now and then of all men, whom I thought furnished of the monuments of antiquitie, what could be had; till of late yeeres, I was abridged of health and libertie. Which searching of antiquiteis, appearandlie, has made the rumour come to your Majestie's eares, that I was about some Historie of Scotland. I assure your Majestie, in truthe there is no suche thing, save onlie so farre as I have said, as I told your Majestie's foresaid servitour. Yitt, as I said to him, if anie wise I may prosecute that mater, by libertie and health of bodie, I sall lay hand on penne again, and the rather, upon your Majestie's good lyking; and dedi-

cat it unto your Majestie, that ather yee may suppresse, or lett it goe out, at your owne pleasure; otherwise it will needs be deserted of the self. Alwise I thinke my self greatlie honoured of your Majestie, that has vouchesafed to have the sight of my unworthie and simple writting, if anie suche purpose had beene.

"Now, seing it has pleased the Lord of his wonderfull providence, yea, I thinke I may say, above your owne and all men's expectatioun, to exalt your Majestie to that high prerogative of honour of the union of these two kingdoms, never yitt united in suche sort since the beginning, it rests, that yee honour His great Majestie, that so highlie has honoured you; that he being God alsufficient to you, yee may walke before him, and be upright, (Gen. xvii.;) and ever take heed that yee helpe not the wicked, and love them that hate the Lord, (2 Chron. xix. 2;) but putt your trust in the Lord your God, as good Jehosaphat sayeth, and yee sall be assured; 'Beleeve his prophets, and yee sall prosper,' 2 Chron. xx. 20. And seing it is God that taketh away kings and setteth up kings, (Dan. ii. 21,) yee are to be familiar with His majestie, by heartie and continuall prayer, proceeding from faith, that your gracious and mercifull God will not turne away his face from you; for the good Lord will be mercifull to him that prepareth his whole heart to seeke the Lord, 2 Chron. xxx. 9; xviii. 19. And as your Majestie weygheth it weill, that the office of a king is rather *onus* nor *honos*, the one wherof keepeth ever preparatioun with the other, cast whatsomever burthein the Lord layeth upon you upon him, and he sall susteane you, Psal. lv. 22. 'Committ thy way to the Lord, and trust in him, and he sall bring it to passe,' sayeth the Psalmist, Psal. xxxvii. 5.

"And, as for me, if I might ryde ten thowsand speares in your Majestie's honourable and righteous caus, yee sould be assured of it. But what I want, I sall faithfullie supplee, God willing, so farre as I may, by heartie prayer to God, for your happie directioun, and safe protectioun in this great worke; that he will give it an happie and prosperous successe, to his glorie, the weale of the kirk, and your owne endlesse confort. If I might be so bold,

my counsell is, yee take great care of the quiett and honest behaviour of your Scotish companie; for our rude maners are not unknowne to your Majestie; and being untaught, they may breed trouble. If it may stand with your Majestie's pleasure, I would understand by some of your Majestie's trustie servants, if at your passing through our parish, I may have accesse to kisse your Majestie's hands. Me thinke it were requisite, that order were tane for a publict fast through this realme, for your Majestie's prosperous journey and good successe, with suche possible diligence as can be. And so, in all reverent and due humiliatioun, I take my leave of your Majestie. From Saltpreston, the first of Aprile 1603.

"Your Majestie's most humble oratour and subject, testified in the sight of God and man, by his continuall publict, domestick, and privat prayers,

"JOHNE DAVIDSONE,

"Christ's Minister at Saltprestoun."

MR DICKSON'S LETTER TO MR JOHNE DAVIDSONE.

Mr Dicksone delivered the letter to the king, and sent this letter following backe, for an answere:—

"SIR,—I presented your letter and sute to his Majestie, who is content to admitt you to his presence, and release you of your restraint; as also to receave you to his old good grace and favour again, if yee sall acknowledge to have failed to his Majestie, and in humble maner crave his Hienesse' pardoun: which in all love I advise you to doe, and I trust yee sall. Thus I take my leave, and committs you to God, who ever inspire you the best.

"Your brother in Christ,

"ALEXANDER DICKSONE.

"If yee take this course of acknowledgement, yee are to condescend upon the particular offences of a protestatioun against an Assemblie holdin at Edinburgh, and of a letter of yours to the kirk

anent another; wherof yee craving his Majestie's pardoun, acknowledging the offence, and promising to use all good and duetifull formes heerafter, he has willed me to tell you, that yee may come to him. Which, in all love, yitt again, I advise you to doe. And where I am not to be with his Majestie, as he rydeth to Berwick, so that I can not await upon this service, yee will (I thinke) make your addresse to Mr Patrik, who will be verie glade to see you givin to the good recoverie of his Majestie's favour. The Lord be with you."

This postscript was writtin at the king's owne directioun. We may see little or no relenting of his wrathe against honest men, notwithstanding of his great and unexpected preferment.

THE KING'S HARANGUE IN THE KIRK OF EDINBURGH, THE LORD'S DAY, THE 3D OF APRILE 1603.

"Becaus that your preacher has spokin some thing in your hearing, and discourse to the people, that as yee have mater by my presence to rejoice, so, yee have also mater by my absence to be sorrowfull. But I say, it is a mater of rejoicing not onlie to me, but to all them that love my standing. For this caus, I thought good to speeke to all good people of all rankes, that yee may know, that it was never my intentioun to usurpe your crowne; but being als lineallie descended heyre to the crowne of England, as to the crowne of Scotland, as I was borne righteous heyre of the one, so am I righteous and more righteous of the other. And as my love could never be from that countrie, so now at last, my expectatioun has not beene frustrated. And as your preacher has said both wiselie and learnedlie, if now my love be lesse to you, my people, what might yee thinke of me, but to be a brocker of kingdoms? Yee must putt a difference betweene a king lawfullie called to a kingdom, and an usurper of a kingdome; as the King of France come sometyme from one kingdom to another; sometyme frome France to Pole, and from Pole to France, and could not bruike both. As my right is united in my persoun, so my merches are united by land, and not by sea, so that there is

no difference betuixt them. There is no more difference betuixt Londoun and Edinburgh, yea, not so muche, as betuixt Innernesse or Aberdeen and Edinburgh; for all our merches are dry, and there be ferreis betuixt them. But my course must be betuixt both, to establishe peace, and religioun, and wealth, betuixt both the countreis. And as God has joynned the right of both the kingdoms in my persoun, so yee may be joynned in wealth, in religioun, in hearts, and affectiouns. And as the one countrie has wealth, and the other has multitude of men, so we may part the gifts, and everie one as they may doe to helpe other. And as God has promoved me to a greater power nor I had, so I must endeavoure my self to floorish and establishe religioun, and take away the corruptiouns of both countreis. And on the other part, yee mister not doubt, but as I have a bodie als able as anie king in Europ, whereby I am able to travell, so I sall vissie you everie three yeere at the least, or ofter, as I sall have occasioun; for so I have writtin in my booke directed to my sonne, and it were a shame to me not to performe that thing which I have writtin; that I may with my owne mouth take accompt of justice, and of them that are under me, and that yee your selves may see and heare me, and from the meanest to the greatest, may have accesse to my persoun, and powre out your complaints in my bosome. This sall ever be my course. Therefore, thinke not of me, as of a king going from one part to another; but as a king lawfullie called, going from one part of the yle to the other, that so your confort may be the greater. And where I thought to have imployed you with some armour, now, I imploy onlie your hearts, to the good prospering of me in my successe and journey. I have no more to say, but, pray for me."

MR ROBERT BRUCE'S LAST CONFERENCE WITH THE KING.

Men of all qualiteis resorted to Edinburgh, to congratulat the king his preferment. Motioun was made by some brethrein of the presbyterie of Edinburgh, that Mr Robert Bruce sould be desired

to come East, to congratulat with the rest; for the king tooke it in evill part, as was reported, that he sould be the last in giving signification of his humble affectioun. Upon Saturday, the secund of Aprile, Mr Robert returned answere, that in respect of his Majestie's last conference holdin with the commissioners, he durst not take the boldnesse to draw neere to his Majestie; alwise did signifie the sinceritie of his inward affectiouns to the Ladie Marr, and some other noble weomen, who could beare witnesse to his integritie in that point. But seing he was informed that his Majestie would accept the offer of his affectioun, he sould come with diligence, to try what might be done.

So, upon Moonday, the 4th of Aprile, he came to Edinburgh, and sounded some noblemen, his freinds, tuiching the king's dispositioun, whether he was willing to accept of him and his congratulatioun. So farre as he could learne, he was not able to redeeme his countenance and favour, but with confessioun of a fault, and that upon his knees; by which meanes he might eshew publicatioun in pulpit, and recover his Majestie's favour also. Mr Robert findeth himself brought in als great a strait, almost, as ever he was; and answered to the lords that interceeded for him, that seing he could not purchasse his Majestie's presence but upon these hard conditiouns, his earnest desire was, that they would make his excuse in all humilitie to his Majestie; and to show that, notwithstanding he came to the toun to congratulat, the preasse and throng of the people was so great, becaus his Majestie was upon the point of his departure, that he could gett no accesse. They take muche in hand; but the king understanding that he was come to the toun, sent one of his domestick servants, James Murrey of Pawmais, the day following, Tuisday, the fyft of Aprile, soone in the morning before his Majestie's departure, for him, before he was rissin out of his bed. Mr Robert thought it hard, and that the king catched that peece of disgrace to his ministrie. Alwise, he went doun to the Abbey. The king was at his breakfast. Mr Robert sought occasioun of speeche with him at that tyme, thinking, that in the presence of so manie strangers and

noblemen, the king would not urge him as he did before. The noblemen courteouslie gave him place. But when he was upon the point of bowing, and entering in conference, Sir Patrik Murrey, who stood upon his Majestie's left hand, and rounded somwhat in his eare, prevented him. He was referred to the king's bed-chamber, to be heard after the preaching, which was verie cold. It was made by Mr Andrew Lamb. Mr Robert all the tyme prayed to God to direct him, by his Spirit in the end, as he had done in the rest of that actioun before. He resolved no wise to goe to his knees against his conscience; but rather now, in the entrie to this great monarchie, to urge his Majestie with a thankefull heart to God, for his wonderfull and unlooked for blessing. He had all the words and mater conceaved, which he communicated to Mr James Melvill, minister at Anstruther, who was weill pleased both with the mater and maner, whereby Mr Robert was greatlie encouraged to persist in his resolutioun.

In the meane tyme, the Lord Fleming cometh for Mr Robert, and taketh him in to the king's bed-chamber, where he found my Lord of Marr, my Lord of Blantyre, the Laird of Dunypace, Mr Peter Hewat, Mr Thomas Abernethie. The Lord Fleming went to the chamber of presence; told the king, Mr Robert was in the place appointed. The king, incontinent, withdraweth himself, goeth in to his bed-chamber, his bootes on, readie to ryde. So soone as he drew neere, he walked in circle about the hous, as his custome was. Mr Robert casteth himself to meete him, with all the reverence and humble inclinatioun of his bodie that he could, without going to knee. The king heard him gratiouslie in outward appearance. The summe and effect of Mr Robert's words was this: "Sir, I have marked foure things in this great worke tuiching your Majestie's high advancement. First, that the God of heaven and earth has placed you in all these earthlie thrones, without the losse of the credit of your holie religioun, and hurt of the inward peace of your owne conscience. Nixt, that He has placed you, without shedding a drop of your Majestie's blood, which is lesse nor conscience. Thridlie, without the hazard of

your Majestie's subjects' purses, which is lesse nor blood. And last of all, that he has so wonderfullie directed the tongue of that worthie ladie and noble queen, together with the affectiouns of the whole counsell, so that, if they had come furth of your Majestie's owne bowells, they could not have conspired more effaldlie to your Majestie's promotioun. These things crave a twofold duetie of your Majestie. First, that yee take heede to your owne heart, that the glorie and glance of these earthlie things deceave you not: that yee make them not your reward, nor place the confort and consolatioun of your heart in them, but rather, as they are givin, use them as steppes and degrees, to steppe up to the crowne that can not fade or faile. Nixt, seing the God of heaven has manifested his unspeekable care, in preserving so manie crowns and kingdoms for you, Sir, your Majestie can not eshew the note of ingratitude, if yee extend not your Majestie's credit, and imploy your whole care for preservatioun of his one kingdom."

The king answered, "Mr Robert, by God's grace, I sall not place my confort or consolatioun in them, or in anie earthlie thing. As for the preservatioun of the kingdom of Christ, if I would preserve my owne life, I must studie to preserve it, for we have commoun freinds and commoun enemeis. The Papists that shutt at that kingdom, shutt at my life also, as I know certanelie. As tuiching this wonderfull mercie of God, Mr Robert, if yee be remembred, I ofttymes foretold you, that God would bring this worke about after this sort,"—and named some places to him, but Mr Robert could not remember. Mr Robert tooke his leave, and had als good a countenance of the king as ever he had in his life, in his owne judgement. The king did not urge him with anie suche thing as the lords gave out, nor made mentioun of anie thing tending to that purpose. Ather the mediators were unfaithfull, or God putt it cleane out of his heart. When the king mounted on horsebacke, Mr Robert went to him again, to take his leave, and was als weill receaved as anie subject of his calling in Scotland. These that stood by heard the king say, "Now, all particulars are past betuixt you and me, Mr Robert." But Mr Robert himself could not remember that he heard these words.

PAPISTS, FORMALISTS, AND SINCERE PROFESSORS, HAVE GOOD HOPES.

In the meane tyme, there was great longing in England for his comming. The formalists, the Papists, and the sincere professors, had all their owne hopes. The Papists, the yeere before, had obteanned of Pope Clement the Eight two Bulls, sent to Henrie Garnett, Superiour of the Jesuits in England, the one to the clergie, the other to the laitie. The effect was, that after the death of Queene Elizabeth, whosoever sould acclame the crowne of England, though never so directlie and neerelie interessed by descent, sould not be admitted to the throne, unlesse he would first tolerat the Roman religioun, and by all his best endeavours promote the Catholick caus, unto which, by a solemne and sacred oath, he sould religiouslie subscribe, after her death. Yitt the Papists expected great favour of the king, and were induced to hope weill, by some informatioun from the court of Rome, of which we will have occasioun afterward to treate, in treating Balmerinoth's trouble. The formalists might gather mater of hope out of Basilicon Doron, and his proceedings heere at home. Yitt it is reported, that the bishops were in suche a feare of the ruine of their estate, that they would have beene content of an hundreth pound Sterline by yeere. But it is not likelie. The sincerer sort of professors, [who] were the strongest partie in the countrie, looked for reformatioun of all the abusses and corruptiouns of that Church. The king interteanned intelligence with some of them, as may appeare by this letter following, writtin to Mr Wilcocks, who, with the assistance of an English knight, obteaned subscriptiouns through five shyres for assistance to the king, before the death of Queen Elizabeth:—

THE KING'S LETTER TO MR WILCOCK.

"Although I never doubted, and have beene sufficientlie in-

formed, of the good will borne toward me in all lawfull sort, (for otherwise I did not, nor sall require them,) by all the honest subjects in England, that sincerelie professe the onlie true religioun professed, and by lawes established in both countreis, and the bond of conscience being the onlie bond for tying of men's affectiouns to them to whom they ow a naturall duetie; yitt, having the samine receaved and confirmed to me by your late advertisements, I have thought good, by these presents, (all writtin with my owne hand,) to sett you doun a meeting for them in this point; that you sall in my name assure all the honest men you can meete, that are affected that way, and that on the princelie word of a Christian king, that as I have ever, without swerving, professed and mainteanned the same religioun within all the bounds of my kingdom; so may they assure themselves, that how soone ever it sall please God lawfullie to possesse me with the crowne of that kingdome wherin they are subjects, I sall not onlie mainteane and continue in the professioun of the Gospell there, but with all, not suffer or permitt anie other religioun to be professed and avowed within the bounds of that kingdome. But becaus yee have beene, at your last being heere, particularlie acquainted with my intentioun in this point, as also, that your self is so weill approved and knowne unto them, therefore you sall by tongue more perfytlie informe them of my minde therin; resolving them of suche malicious and unjust imputatiouns as have beene from tyme to tyme by my undeserved enemeis continued against me. And thus I bid you fareweill.

"JACOBUS REX."

THE KING'S ANSWERS TO THE COMMISSIONERS OF THE SYNOD OF LOTHIANE.

Upon Tuisday, the fyft of Aprile, the king tooke journey toward England, accompanied with sindrie lords and gentle men of both the natiouns. The gunnes and cannons of the Castell were shott at his departure out of the Palace of Halyrudhous. When he was ryding through Prestoun, the Laird of Ormestoun intreatted him

for releefe to Mr Johne Davidsone out of his waird. The king answered, his hands were bound, for he had made a promise to the commissioners of the Generall Assemblie. The ministers of the Synod of Lothiane being conveenned in Hadintoun, dissolved in haste to meete the king. They mett him above Hadintoun, all on their knees, and prayed for him. Mr Robert Wallace, Mr James Carmichaell, Mr Archibald Oswald, Mr Henrie Blyth, Mr Michael Cranstoun, Mr James Mureheid, were appointed to wait upon him for answere to some articles, to witt, 1. The suppressing of Papists in his absence, and preservatioun of discipline. 2. For order tuiching their stipends. 3. For releefe of good brethrein of the ministrie of England. 4. For libertie to the warded and distressed brethrein of the ministrie in Scotland. To the First, he answered, that mater would require more tyme, and the discipline sall not be altered. To the Secund, that the order taikin was to stand till afterward. To the Thrid, that he was not minded at the first to urge anie alteratioun. As for Mr Cartwright, Mr Travers, and some others, he understood they were at freedome. He would show favour to honest men, but not to Anabaptists. To the Fourth, that Mr Robert Bruce and he had parted good freinds. As for Mr Andrew Melvill, he had libertie of six myles about St Andrewes. As for Mr Johne Davidsone, he looked he sould have offered himself to him as he came through Prestoun, but he came not. Yitt he answered otherwise to Ormestoun, and Mr Johne was certified, by the postscript of Mr Dickson's letter, that the king would not accept of him without confessioun of a fault. The commissioners of the synod were silent, and answered nothing. The king desired them to show to their brethrein that it was his will they sould keepe unitie and peace, without altering anie thing concluded in the Assembleis, when he was present in persoun, for it was not his purpose to make anie farther innovatioun. In his harangue made in the Great Kirk of Edinburgh, he said the like; for he thanked God, that he had sattled both kirk and kingdome, and left them in that estat which he intended not to hurt or alter anie wise, his subjects living in peace. How weill these promises were keeped, we will see afterward.

THE KING'S JOURNEY TO LONDOUN.

Upon Wednisday, the sixt of Aprile, the king was receaved at Berwick, with shootting of artillerie and other solemniteis. Johne Matthew, Bishop of Durhame, mett him with his rochet and corner cappe. A purse was presented to him with two thowsand pund Sterline in it. An harangue was made to welcome him. When he was a myle beyond Berwick, some Scotish ministers meeting him, were biddin depart, without anie farther speeche. He went from Berwick to Withringtoun, from Withringtoun to Newcastell, and so, by Durhame to Yorke, Doncaster, Newwarke, Burley, Roystoun, Theobalds, till at lenth upon the seventh of May he was at Londoun, the noblemen and gentlemen of everie shyre convoying him through their owne shyres. The jayles by the way were made opin, and the prisoners sett at libertie, these onlie excepted who lay for treasoun, murther, or Romish disloyaltie. And yitt, Mr Andrew Melvill and Mr Davidsone could not gett the favour that malefactors gott! In the meane tyme, the border men and Hieland men were stealing, reaving, killing.

THE KING'S ENTRIE TO LONDOUN.

The Lord Maior of Londoun, the Aldermen, with five hundreth citicens, all in chaines of gold, and weill mounted, mett him at Stamford Hill, as he went from Theobalds to Londoun, and attended him till he came to the Charterhous, neere Smithfeild. By the way, as he came to the Charterhous, the Recorder of Londoun had the oratioun following:—

THE RECORDER'S ORATIOUN.

"The commoun feares and difficulteis which perplexe most confident oratours speeking before princes, would more confound my distrustfull spirit speeking to your high Majestie, most mightie

king, our dread lord, did I not know, that the message that I bring is to a good king alwayes gracefull. Curiositie of witt, and affectat streames of oratorie, I leave to these who delite more to tickle the prince's eare, than to satisfie his deepe judgement. To me, most gracious soverane, your meannest subject, vouchsafe your mylde and princelie attentioun, whill in the names of these grave magistrats, your majestie's faithfull Shireffs of Londoun and Middlesex, I offer your benigne Grace that loyall and heartie welcome which from that honourable and ancient citie, the heart of this kingdom, is brought by them, whose deepe and inward greefe conceaved for the losse of our peerelesse and renowned Queen Elizabeth, is turned in excessive joy for the approache of your excellent Majestie thither, by whom the long and blessed peace of fourtie-five yeeres is made perpetuall. Great is the acknowledgement we owe to the memorie of our late princesse' governement, whose farre spread fame, as it sall live recommended to posteritie for ever, so, of her floorishing raigne no other testimonie needeth be required, than that of your high Majestie, since none can be more honourable, that the like has not beene heard of nor read of in our dayes, nor since the raigne of great Augustus. So that even glorious and victorious kings have just caus to invy the vertue and glorie of a woman.

"But she is gathered in peace to her fathers, a memorable instance of your Majestie's divine observatioun, that princes differre not in stuffe, but in use, from commoun men. Out of the ashes of this Phœnix, was thou, king James, borne for our good; the bright starre of the North, to which all true adamantine hearts had long before turned themselves; whose flamme, like a new sunne rysing, disperseth these clouds of feare, which ather our politick freinds, or our opin enemeis, or the unnaturall favourers of the fyft monarchie, had givin us some caus to apprehend; yea, our nobilitie, counsell, and commouns, whose wisdom and fidelitie is therefore renowned als farre as this yland is spokin of, with a generall zeale posted to your Majestie's subjectioun, not more incitated therunto by the right of your Majestie's discent and royall blood, drawin to this

faire inheritance from the loynes of our ancient kings, than inflammed with the fame of the princelie vertues wherewith, as a riche cabinet with pretious jewells, your princelie minde is furnished, if constant fame have delivered unto us a true inventarie of your rare qualiteis. A king whose youth needs no excuse, and whose affectioun is subdued to his reasoun. A king which doeth not onlie doe justice, which evill tyranns doe some tymes, but loves justice, which habite none but vertuous princes can putt on; who, imitating the true bountie of the King of kings, inviteth all distressed people to come to him, not permitting Gehezi to take talents of silver, nor change of garments.

"In some princes (my gratious soveran) it is eneugh that they be not evill. But from your Majestie we expect an admirable, good, and particular redresse. So strange an expectatioun forerunning your Majestie's comming, hath invested the mindes of good men with confort, of bad with feare. And see how bounteous heaven hath assigned foure kingdoms, as proper subjects to your foure kinglie vertues. Scotland has tryed your prudence, in reducing these things to order in the church and commoun weale, which the tumultuous tymes of your Majestie's infancie had there putt out of squair. Ireland sall require your justice, which the misereis (I doe not say the policeis) of civill warre have there defaced. France sall prove your fortitude, when necessar reasoun of state sall bend your Majestie's counsell to that interprise. But lett England be the schoole wherin your Majestie will practise your temperance and moderatioun; for heere flatterie will assay to undermyne or force your strongest constancie and integritie; base assentatioun, the bane of vertuous princes, which, like Lazarus' dogges, lickes even the prince's sores, a vice made so familiar to this age by long use, that even pulpits are not free from that kinde of treasoun. A treasoun I may call it most capitall, to poysoun the fountaine of justice and wisdome, wherat so manie kingdoms must be refreshed.

"Nor can I be justlie blamed, to lay opin to a skilfull and faithfull physician our true greeves: nay, it sall be the confort of my age to have spokin the truthe to my lord the king; and, with an heart als true

to your Majestie as your owne, to make knowne to an uncorrupted king, the hopes and desires of his best subjects, who, as if your Majestie were sent doun from heaven to reduce the goldin age, have now assured themselves, that this yland, by a strange working and revolutioun now united to your Majestie's obedience, sall never feare the mischeefes and misgovernements which other countreis and other tymes have felt. Oppressioun sall not be heere the badge of authoritie, nor insolencie the marke of greatnesse. The people sall everie one sitt under his owne olive tree, and anoint himself with the fruict therof, his face not grinded with extorted sweats, nor his marrow sucked with odious and unjust monopolies. Unconscionable lawyers, and greedie officers, sall no more spinne out the poore man's caus in lenth, to his undoing, and the decay of justice. No more sall bribes blind the eyes of the wise, nor gold be reputed the commoun measure of men's worthinesse; adulterated gold, which can guild a rottin post, to make Balaam a bishop, and Isachar als worthie of a judiciall chaire as Solomon, where he may wickedlie sell that justice which he corruptlie bought. The money-changers and sellers of doves, I meane these who traffique the livings of simple and religious pastors, sall your Majestie whippe out of the temple and commoun wealth; for no more sall kirk livings be paired to the quicke, forcing ambitious kirk men, partakers of this sacriledge, to enter in at the window by simoneis and corruptiouns, which they must afterward repaire with usurie, and make up with pluraliteis. The ports and havens of these kingdoms, which have long beene barred, sould now opin the mouths of their rivers, and the armes of their seas, to the gentle amitie and just traffique of all natiouns, washing away our reproache of universall pyrats and sea woolves, and drawing, by the exchange of home-bred commoditeis with forraine, into the veynes of this land that wholesome blood of weill gott treasurie which sall strenthen the sinewes of your Majestie's kingdoms. The neglected and almost worne out nobilitie sall now, as bright diamonds and burning carbuncles, adorne your kinglie diademe. The too muche contemned clergie sall hang, as a pretious ear-ring, at your princelie

eare, your Majestie still listening to their holie counsells. The wearied commouns sall be worne, as a riche ring, on your royall finger, which your Majestie, with a watchefull ey, will still gratiouslie looke upon; for we have now a king that will heare with his owne eares, see with his owne eyes, and be ever zealous of a great trust; which being afterward become necessar, may be abused to an unlimited power.

"O gratious liege! lett never anie wray counsell divert or puddell the faire streame of your naturall goodnesse. Lett wicked usurpers seeke lewde arts to mainteane their lewde purchasse. To your Majestie, called to this impyre by consent of God and man, and now, king of manie faithfull hearts, plaine and direct vertue is the safest policie, and love to them who have shewed loyaltie to you as a wall of brasse. They meane to sell the king to his subjects at their owne price, and abuse the authoritie of his Majestie to their owne privat gaine and greatnesse; who perswade him, that to shutt up himself from the accesse of his people is the meanes to augment his estat. Lett me not seeme tedious to your Majestie, nor yitt presumptuous, for I conceale not. But whills your Majestie has beene perchance wearied with the commoun complaints and insinuatiouns of particulars, for privat respects, lett it be lawfull (my liege) for a heart free from hope or feare to shew your Majestie the agues which keepe low the great bodie, wherof your Majestie is the sound head. Now are we fed with hopes and redresse by imaginatioun, as hungrie men with a painted bankett. But by assurance of certane knowledge drawin out of the observatioun of your Majestie's forepast actiouns and sound bookes now fresh in everie man's hands, being (to use your Majestie's owne words) the vive idea and representatioun of the minde, whose excellent and wholsome rules your Majestie will never transgresse, having bound your princelie sonne by suche heavie penalteis, to observe them after you. Nor doeth anie wise man wish, nor good man desire, that your Majestie sould follow other counsell nor exemples than your owne, by which your Majestie is so neerelie bound. To conclude, therefore, what great caus have we to wel-

come to the territoreis of our citie your most excellent Majestie, who, to make us the glorious and happie head of this yland, have, by your first entrance, brought us the additioun of another kingdom, which warre could never subdue; as your Majestie sall make us partakers of that felicitie which divine Plato did only apprehend, but never see, (whose king is a philosopher;) a philosopher is our king.

"Receave, then, most gracious Soverane, that loyall welcome which our citie sendeth out to meete your Majestie. Our citie, which, for the long tryell of her loyaltie, obedience, and faithfull readinesse in all occasiouns, your Majestie's royall progenitours have honoured with the title of their chamber; whose faithfull citicens, with true and weill approved hearts, humblie lay at your royall feete their goods and lives, which they will sacrifice for your Majestie's service and defence, with longing eyes desiring to receave your Majestie within their walls, whom they have long since loodged in their hearts. Praying to heaven that your Majestie's persoun may be free from practise, your soule safe from flatterie, your life extended to the possibilitie of nature, and that if not your naturall life, yitt your royall life may have a period with the world, your princelie offspring sitting upon their father's throne for evermore; and we, your Majestie's humble servants, surrendering into your Majestie's hands that authoritie we hold from you, wishe from our hearts, that all plagues may pursue his posteritie, that but conspires your Majestie's danger."

THE KING'S ANSWERE TO MONS. DE LA FONT.

Monsieur de la Font made an harangue to the king, in name of the Frenche and Fleemish kirks at Londoun, Canterburie, Norwiche, Southamptoun, Colchester, Sanwiche, and Maidston, wherin he desired the king to be their protectour, which Queen Elizabeth and King Edward, his predecessors, were; to confirme their liberteis of their free exercise of religioun, merchandise, and crafts. The substance of the king's answere was as followeth:—

"Messieurs, Howbeit yee have not seene me to this present, yitt am I not a stranger, but am knowne to you. You know, as for my religioun, what I am, not onlie by the brute which yee might have heard of me, but also, by my writts, wherin I livelie expresse the affectioun of my heart. Therefore, I need not manie words to expresse my good will toward you, that have fled thither for religioun. I know there be two things that have made my sister, the defunct queene, renownned through the world. The one is, a desire which she ever had, to interteane the service of God in her realme: the other, is her hospitalitie toward strangers. I understand by the testimonie of sindrie nobles and gentlemen within this realme, that, as yee have said, yee have alwayes prayed to God for her, and have not transgressed your duetie. I know also, that yee have enriched this realme with sindrie crafts and trades. If the occasioun had offered itself to me, when I was farre from you, as it were, in a corner of the world, I would have made my goodwill knowne to you. But as I would not encroache upon the right of another prince, so now, since it has pleased God to make me king of this countrie, I sweare to you, that if anie molest you or your churches, I sall be avenged, yee addressing your self unto me. And howbeit yee be not my proper subjects, yitt I sall mainteane you als far as anie prince in the world."

A PROCLAMATIOUN FOR PEACE BETWEEN THE TWO REALMS.

Upon the 19th of May, a proclamatioun was made, that all subjects hold, repute, and esteeme both the realmes as presentlie united, and the subjects of both the realmes as one people, brethrein, and members of one bodie, till the unioun be established with due solemnitie. And in regarde therof, that everie one of them absteane and forbeare to committ anie kinde of robrie, bloodshed, or anie other insolence or disorder, or to receave and harbour the persons, wives, childrein, or goods of the fugitives and outlawes of either of the realmes. The occasioun of this proclamatioun was the insolenceis of the borderers, committed after the death of Queen

Elizabeth, which continued upon a sinistrous conceate and opinioun, that no suche unioun would be established or take effect.

AMBASSADERS FROM SINDRIE COUNTREIS.

Diverse ambassaders came to England to congratulat the king's entrance; as namelie, from the Passgrave of the Rhene, from the Frenche king, from the Spanish king, from the States of the Confederated Provinces, from the Archeduke of Austria, from the Seignourie of Venice, from the Duke of Florence, and others.

THE PEST RAGING AT LONDOUN.

The king entered no sooner in Londoun but the pest brake up, and raged so, that howbeit upon the twentie-fyft of Julie, commounlie called the feast-day of Saint James the Apostle, was appointed for the solemnitie of the coronatioun, yitt the streetes of Londoun, by reasoun of the sicknesse, became almost desolate, and pageants almost without spectators to gaze upon them.

The borderers, both in England and Scotland, for the most part entered themselves in Carlill; the rest lurked.

THE QUEEN SEEKETH TO HAVE THE PRINCE.

Upon the seventh of May, the queene tooke journey to Stirline, accompanied with some noblemen, where she had not beene before by the space of five yeeres. Her intentioun was to bring the prince her sonne with her. Her purpose was perceaved by the Ladie Marr and her sonne; and when requeist prevailed not, the Ladie Marr and her sonne, and the Laird of Keir, gave a flatt denyall, and would not suffer the prince to goe out to the Torwod, or whether the queene would have had him. Hammiltoun, Glencarne, Linlithquo, the Lord Elphinstoun, the Maister of Orkney, came to Stirline weill accompanied with their freinds, bvt gott not entrie in the castell, unlesse they would enter, everie principall

man, with two and himself. The queene went to bed in an anger, and parted with childe the tenth of May, as was constantlie reported. The Erle of Marr came from the king upon the 12th of May, with full commissioun to the queene to goe to England. The queene would not looke upon him, but desired to have the letters which were sent from the king. He refused, unlesse he gott presence to discharge his secreit commissioun. The queene sent a letter with post to the king, the Erle of Marr did the like; wherupon the king sent the Duke of Lennox thither from court. The duke came thither upon the 19th of May, and declared, that the Maister of Marr, his mother, and freinds, had done good service to the king, and that he had commissioun to transport both the queene and the prince. The counsell conveenned in the castell of Stirline. It was concluded, that the foure noblemen above mentiouned, who came to Stirline to the queene, repaire not within ten myles to the prince. It was thought good that the Erle of Marr sould deliver the prince to the duke, and that the duke again deliver him to the counsell. The counsell, to pleasure the queene, delivered him to her and the duke, to be transported, and to be delivered by them to the king, and appointed so manie noblemen to attend upon her; of which number the Erle of Marr was not one, to pleasure the queen. All parteis being contented, as seemed, the Erle of Marr tooke journey toward England immediatlie after.

THE PRINCE'S ENTRIE TO EDINBURGH.

The queene, recovering her health, came out of Stirline, upon Fryday the 27th of May, to Linlithquo, with the prince. The duke and sindrie noblemen accompanied them. She came to Edinburgh upon Saturday at even, the 28th of May. Upon Tuisday, the 31st of May, the queen and the prince came from the palace of Halyrudhous, to the Great Kirk of Edinburgh, ryding in a coache, and accompanied with manie English ladeis in coaches, and some ryding on faire hors. Great was the confluence of people flocking to see the prince.

THE QUEENE AND PRINCE TAKE JOURNEY TO COURT.

Upon Wedinsday, the first of June, the queen and prince tooke journey about ten houres toward England, accompanied with the duke, and sindrie noble men. The princesse, now Queen of Bohemia, being sieke the night before, stayed till the thrid of June, and then followed her mother softlie.

THE KING'S CORONATION.

Notwithstanding the raging sicknesse, the coronatioun was celebrated upon the 25th of Julie, with the accustomable rites, in the collegiat church of St Peter, in Westminster. The king was sett upon the regall chaire, wherin was a stone, called *Fatum Jacobi*, famous in both the natiouns. The oyle was powred upon him and Queene Anna by Johne Whitgift, Archbishop of Canterburie; the princesse and peeres wearing their robs and coronets, the officers giving attendance in their places; the Lord Maior of Londoun in a gowne of crimson velvet, with the alder men in skarlet. Twelve principall citicens were appointed to attend them, all others forbiddin becaus of the plague. Great was the preparatioun for this day, but the glorie of it was greatlie obscured by reasoun of the plague, which hindered the confluence of people.

Some weekes before the coronatioun, some Popish preests combynning with some of better ranke and note, contrived the surprizing of the king's person and Prince Henrie. They intended to reteane them prisoners in the Towre, or if the Towre was not sure, to carie them to Dover Castell, and there by violence ather obteane their owne pardouns, and toleratioun of religioun, and removall of some counsellers, or ellis to attempt farther. Watsone and Clerk, two preests, thought the fact was lawfull, it being done before the coronatioun: for that the king was not king before he was anointed, and the crowne solemnelie sett upon his head. The other persons involved in this attempt were, Henrie Brooke, Lord Cobham, and

Lord Wardane of the Cinque Ports; Thomas Lord Gray of Wilton; Sir Walter Raleigh, Lord Wardane of the Stannereis; Sir Griffin Markhame, Sir Edward Parham, Knights; George Brooke and Bartholomie Brookesby, Esquires, and Antonie Coplie, a Gentleman. They were apprehended, and committed, some to the guard-house at Westminster, others to the Towre of Londoun. George Brooke, brother to the Lord Cobham, Sir Griffin Markhame, Sir Edward Parhame, Brookesby, Copley, Watsone, and Clerk, were first under tryell upon the 15th of November. Their endytement was, that they conspired to destroy the king, to raise rebellioun, to alter religioun, to subvert the estate, to procure forraine invasioun: that they had made knowne these their intents to the Lord Gray, whom they meant to have Erle Marishall of England; Watsone, Lord Chanceler; George Brooke, Lord Treasurer; Sir Griffin Markhame, Secretar: that with the king, the lords also sould have beene surprized in their chambers at Greenwiche, and the Lord Maior and Aldermen of Londoun sould be sent for, and so be shutt up in the Towre. George Brooke answered, that he had a commissioun from the king to doe what he did, onlie to try faithfull subjects; but produced it not. Sir Griffin Markhame confessed his offence, alledging he committed it of a discontented minde. Watsone confessed he had drawin all these gentle men into these platts. He and Clerk alledged, there could be no treasoun, becaus they held the king to be no king till he was crowned. Upon the 17th of November, Sir Walter Raleigh was brought to the barre. Being indytted for combyning with the Lord Cobham, his accuser, in these designes, he stood to his purgatioun from morne till night; but in end was found guiltie, and had sentence of death. Within few dayes after, Lord Cobham was indytted, for combyning with Sir Walter Raleigh and George Brooke to procure forces from the King of Spaine and the Archduke, for an invasioun, &c.; the Lord Gray for joining with the preests, knights, gentlemen foresaid, in the above-mentioned conspiraceis. They pleaded Not Guiltie; but were found otherwise, and receaved the sentence of death. Of all the arraigned, Sir Edward Parhame

was onlie acquitted by the jurie. Three suffered death, Watson and Clerk, upon the 29th of November, Mr George Brooke upon the fyft of December. The king signed a warrant for the executioun of the Lords Cobham and Gray, and Sir Griffin Markhame. But soone after, he sent with Johne Gib, a Scotish man, a letter to stay the executioun. All the three were brought severallie to the scaffold, and looked for nothing but death; but by directioun from the king to the sherriff of the shyre, were taikin backe again.

Sir Patrik Murrey * * * * *

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The preparatioun which some of the sincerer sort were making for the conference at Hamptoun Court, may be gathered of this letter following, writtin from the South to Berwick:—

"Maister Selbie. So it is, the king hath resolved of a conference, to be holdin the 12th of Januarie, betwixt eight bishops and eight ministers, to decide all the maters of difference in our church. It is thought requisite by suche as laboured with the king, that everie shyre sall send to the court an exact survey of the ecclesiastical estat, from the bishop to the paritie; how manie non-residents, pluralists, and ydle ministers, with the greevous abusses of the courts. As also, three petitiouns unto his Majestie from everie shyre: the one from the gentrie, subscribed with their names; another from the commouns, ather subscribed by them, or the number of their names that stand weill affected, or ellis by the justicers, at the sute of the commouns onlie, for a preaching and resident ministrie, and to be fred from the intolerable burtheins of the courts. The thrid from the clergie, subscribed by the ministers, for the remedie of suche abusses as they are pestered with. Lykewise, letters from the gentrie and others, from the ministrie of everie shyre, to the Lords of Counsell, or to the Erle of Marr, the Lord Cicill, or Sir George Hume. But it is thought best to the Lords of the Counsell, to interest them in the caus. They may be writtin in the name of manie thowsand commouns. I have obteaned this sute of his Majestie, that he has givin all his impropriatiouns in his owne gift to the use of the ministrie, after the leases expired,

reserving his old rent and letters to both the universiteis, that they sall lease their impropriatiouns no more to lay men, but to preachers bred up in their colledges, reserving their accustomed rent of fyne. We are muche bound to Mr Patrik Galloway for his constancie in the behalfe of the caus. I am ashamed of the backwardnesse of the ministers to further their owne caus. The diligence of the adverse partie is incredible. I have no acquaintance northward but with yourself, Mr Mortoun, and the Bishop of Carlill. I pray you, be carefull to send to all the ministers and gentlemen weill affected, to further this businesse. I feare most the slownesse of the north parts. If it be so, I will blame you. The great touns sould bring in their petitiouns by themselves. You may doe weill to send into Scotland, that there may be petitiouns from all the presbytereis to the king, in the behalfe of the ministers of England, a letter to the Lords of the Counsell, to the Erle of Marr, and Sir George Hume, and to the Lord of Kinlosse, to interest them in the caus of reformatioun. Mr Fleitwod will take order for all these parts about him, and I hope I sall see the effect of these my letters from you. Direct your letters to Mr Patrik Galloway, and enclose the letters to me within them. Thus expecting [to] heere from you by the nixt messinger, I take my leave.

"From Wincester, the 12th of October 1603.

"I would the Scotish presbytereis would be petitioners, that our bishops might be like theirs in authoritie, though they keepe their livings. The king is resolved to have a preaching ministrie, to mitigat subscriptioun, and to restore the censures of the kirk *ad integram*. All the ministers of England are advertised of the project against the conference, and are resolved to send the survey to the king's Majestie."

The good professors in England were putt in hope of a good beginning of reformatioun; and so muche was pretended when the conference was appointed, but nothing lesse meant, yea, rather, under colour of conference, to procure farther confirmatioun to the corruptiouns and abuses. Good Mr Cartwright, one of the num-

ber that was appointed for the conference, was hardlie taikin up by the king, when he went to him to salute him. The king said, "What, are yee the man that wrote against the Reverend Father, the Bishop of Canterburie?" The honest man tooke this reproofe verie heavilie; and forseing there was no hope of reformatioun, but rather a confirmatioun of all abuses, departed this life before the holding of the conference. What sinceritie was there meant, when, for the sincere partie, were nominated two that were verie corrupt? Appearandlie, they were nominated onlie to be spyes, and to prevaricat.

AN ADVERTISEMENT OF A LOYALL SUBJECT TO HIS SOVERANE, DRAWIN FROM THE OBSERVATIOUN OF THE POPULAR SPEECHE, IN THE MONETH OF NOVEMBER OR DECEMBER.

"It is said, that your Majestie will not continue the protectioun of the Low Countreis. They be the onlie yoke-fellowes, as it were, of your religioun. And although, doubtlesse, your Majestie's high wisdome will foresee all inconveniences, yitt the simple gospellers mourne for your resolutioun and destructioun; for if the Spaniard prevaile against these poore forsaikin men, his forces by sea are more than triple, peace will quicklie enriche him, wealth will adde unto his pride, encreasse his hatred to your religioun and people. And the Pope, the firebrand of dissensioun, even when you are despoiled of your best aidsmen by sea in the world, will discover his wounted malice against us. The pretended title of the Infanta is not unknowne to your Majestie. It sall not want the Anti-christian furtherance. The Spaniard, his deerest childe, your kingdome sall be, by his unholie holinesse givin *fortiori*. Alas! they sall have nō worke at home. It sall be but sport for them to warre upon you.

"Principiis obsta; sero medicina paratur,
Cum mala per longas invaluere moras."

"It is said, if your Majestie discontinue the league with the Estats, the Frenche king is readie to interteane the bargaine. There is a certan antipathie betuixt them and us, and it is hard to judge whether the Spaniard or the Frenche will prove worse nighbours. Your true subjects, therefore, pray you to keepe them both at the stave's end.

"It is said, that your Majestie receaves infinite number of petitiouns, and the poore foolish people thinke the king's leasure may serve to attend everie man's bussinesse. Rid your hands betyme of suche importune sutes; and, except your Majestie see great caus to the contrare, referre them to the ordinar course of justice, ordeanned for to end all differences. But if anie compleane truelie against the cheefe officer, of what place or dignitie so ever he be, heare him your self, (gratious soverane:) make but one or two exemples of justice, and we sall find a goldin change suddanlie. But yitt, the law *talionis* must be putt in use, that the unjust accuser be severelie punished, least the magistrat be brought in contempt.

"It is said, that your Majestie gives muche; (liberalitie in a prince is a necessar vertue;) but the coffers are said not to be so full as that they need empteing, nor your estat in so great securitie as that it may endure a leane treasure. After two or three yeeres tryell of your nighbours, confederats, and their affectioun, and the better understanding of your force and occasioun, your Majestie sall have the better to discerne once, of what plentie, in what maner, and to whom to give. Your subjects have beene of late yeeres troubled with manie subsideis, and, without doubt, the commouns are poore, needie, and in debt: they desire some ease; they wounder that your Hienesse doeth not remitt the remainder of the taxes and subsideis yitt behind. They say, it has beene a custome of the kings, at their first entrie to the crowne, so to doe, and their hope in that cace is deceaved. They pray you not to follow the opinioun of Rehoboam's young counsellers, nor to suffer the long use of long taxes and subsideis, or turne to an habite, for they vow, in defence of your Majestie, the Gospell, and Estate, they will be prodigall of their lives and livings.

"They say, that some be advanced to places of justice altogether unfitt for them, in that they are ignorant of our lawes and customes. The advancement of these of the Gowne was wount to be as of these of the Feild: from an old souldiour to a lieutenant, from a lieutenant to a captan, and so, orderlie, to everie place of the campe, though in danger there be some difference. For an unskilfull Generall can seldom offend more than once, and then, life and all payes for it. But suche a magistrat may, peradventure, by a thousand ignorances, inriche himself, and wrong an infinite number of poore people.

"It is said, that the office of the Maistership of the Rolls sall be executed by a deputie. The patent is holdin for a wise and honourable gentle man. But the deputie now spokin of is of no honest fame. And God forbid that so good a king sould shew so base a president, as to suffer a cheefe place of justice to be performed, or rather abused, by a deputie, or that the patent sould make sale of your Majestie's free gift. The place was in a maner executed by a deputie before.

"Suche was the negligence of these, as *pro tempore* were commissioners. But the office of the after noone, with the Maister of the Rolls, was to heare and end manie causes. Of the want of these the clients compleane.

"It is said, that the Maister of the Rolls now being can not attend, by reasoun of his more necessar imployments about your Majestie.

"It is said, that the respect at court of the Scots by all the attendant officers is so partiall, as the English find themselves muche disgraced. The meanest of that countrie may enter your presence without controlment; but the English [are] verie unreasonablie putt backe. The fault is not said to be in your Majestie; it is the foolish craving of some of the English. But your Majestie must provide, that that indiscretioun breed not indiscreit emulatioun, who ought, as we professe one God and one king, so to have but one heart, and your English subjects not to be disgraced. For it must be confessed (right noble king) that the kingdom and people of England have made you great. Manie offices have beene

taikin from the English and givin to the Scots; and some that served with good commendatioun, which your Majestie must esteem done to your self, remaine unthought of and unrewarded.

"It is said, that your Majestie purposeth to alter the forme of our governement, and that fault is found with our commoun law and customes of England; and, speciallie, our tryell by the oathe of twelve men, which, without doubt, is the best and equallest course, and it in it self least capable of corruptioun. Everie alteratioun, even in a privat familie, muche more in a kingdom, breedeth hurlie-burlie. Doubtlesse there be abuses in the Court of Westminster, and cheefelie in arbitrarie courts. But if your Majestie had but once purified but a few of the officers, how suddanlie would your Majestie give allowance to our commoun law and statuts, which are even fitting to the occurrences and nature of your people and kingdom!

"It is said, that your Majestie, of a magnanimous and royall nature, not delyting in popular salutations, doeth passe by great troupes of the commouns with a kinde of kinglie negligence, nather speeking nor looking upon them. The poore sort of the people are bold with your Majestie. They prattle of the maner of their late queene, who, when she was seene publictlie abroad, would oftin speeke kindelie to the multitude, discovering her royall acceptance of their joyfull acclamatiouns, manie tymes also staying, that her subjects hungering, might have their full in beholding their soverane. Your Majestie must therefore in some sort satisfie their zealous affectiouns, or ellis, the poore rascalls, als farre as they dow, will be angrie with your Majestie.

"It is said, that your Majestie's followers, als weill English as Scotish, proclame opin sale of the most noble and ancient order of knighthood, whereby some of unworthie conditioun, contrare to your Hienesse' intent, for bootie have beene unworthilie made knights, to the dishonour of your royall palace, and the disgrace of manie noble and vertuous knights.

"*Fœx plebis*, I wote not what to call them, but some there be, who most unnaturallie and unreverentlie, by egregious lees, wound

the honour and fame of our late deceassed soverane, not onlie taxing her persoun but her governement with suche manifest untruthes; and the foolish and *indigesta moles*, your commouns of Londoun, (I sould have said, some of them, for doubtlesse all are not so lurd,) have putt out her name where it was engraven and painted under the armes of the kingdom. And it is said, they are about to alter certane monuments once dedicated to her. Surelie, these slanders are the device of the Papists, aiming thereby at the deformatioun of the Gospell. It will, therefore, prove your Majestie truelie magnanimous, to provide for the preservatioun of her famous memorie by all meanes.

"It is said, that manie ancient and poore officers at court are disgraced, and their places givin to your countrie men, the Scots. Indeid, to say true, it is meete that your Majestie's knowne servants sould be for your Majestie's neerest imployments. Nather is it anie dishonour to the English natioun, if your good servants be preferred, so that your Majestie leave not the weill deserving disgraced. The people are rightlie termed a beast of manie heads; als manie men, als manie mindes. Yitt, which is the worke of God, I heare everie man loves and reverences your Majestie.

"Lett, therefore, the admirable maner of your Majestie's comming to so excellent a kingdom be ever before your eyes. God is cheefelie to be honoured, true religioun more and more to be advanced, the commoun wealth cherished, which consisteth cheefelie of home-borne men. It were good we could forgett all differences of natiouns, and repaire the almost decayed name of Great Britaine. Doubtlesse, unto so wise a prince, a word is eneugh; and, therefore, poore I, who have alwise in my privat conference mainteanned your Majestie's just title, so farre as I durst, will heere end, blessing my God that I see the happie day, wherin these kingdoms, of long disjoynned, be now joynned in one royall persoun, whose posteritie God so blesse, as they sall continue kings of this land untill the dissolutioun of the universall.

"God save King James of England, Scotland, France, and Ireland; Defender of the Faith," &c.

By this advertisement we may see how the realme of England was misgoverned by our king, in the verie first yeere of his raigne.

M.DC.IV.

The conference at Hamptoun Court beganne upon Saturday, the 14th of Januarie. Diverse reports were made of that conference, different from that leing narratioun which was sett furth by Barlo. I will, therefore, sett doun that relatioun which Mr Patrik Galloway, being then in England with the king, sett doun in writt, and sent to the presbyterie of Edinburgh, after it was revised by the king himself.

"Beloved Brethrein, after my verie heartilie commendatiouns. These presents are to shew you, that I receaved two of your letters; one directed to his Majestie, and another to my self, for the using therof. The samine I read, closed, and three dayes before the conference delivered it into his Majestie's hands, and receaved it backe again, after some short speeche had upon a word of your letter, as 'the grosse corruptions of this church;' which then was exprimed; and I assured, that all corruptiouns dissonant from the Word, or contrare thereto, sould be amended. The 12th of Januarie was the day of meeting, at what tyme the bishops called upon by his Majestie, were gravelie desired to advise upon all the corruptiouns in this Church, in doctrine, ceremoneis, discipline, and as they would answere to God in conscience, and to his Majestie upon their obedience, that they sould returne the thrid day after, which was Saturday. They returned unto his Majestie, and there, apposed as of before, it was answered, all was weill. And when his Majestie in great fervencie brought instances to the contrare, they, upon their knees, with great earnestnesse, craved that nothing sould be altered, least the Papists recusants, punished by penall statuts for their disobedience, and the Puritan punished by deprivatioun from calling and living, for non-conformitie, sould say, they had just caus to insult upon them, as men who had travelled to bind

them to that which, by their owne mouths, now was confessed to be erroneous. Alwise, after five houres dispute had by his Majestie against them, and his Majestie's resolutioun for reformatioun intimated to them, they were dismissed that day. Upon the 16th of Januar, being Moonday, the brethrein were called to his Majestie, onlie five of them being present, and with them two bishops and six or eight deanes. Heere his Majestie craved to know of them what they desired to be reformed. But it was verie louslie answered, and coldlie. This day ended after foure houres talking, and Wedinsday, the 18th of Januar, appointed for the meeting of both parteis; where, as of before, the parteis called together, the heeds were repeated, which his Majestie would have reformed at this tyme. And so the whole actioun ended. Sindrie as they favoured, gave out copeis of things heere concluded; wherupon my self tooke occasioun, as I was an ey and eare witnesse, to sett them doun, and presented them to his Majestie, who, with his owne hand, mended some things, and eeked other things which I had omitted. Which corrected copie with his owne hand I have, and of it have sent you heerin the just transsumpt, word by word. And this is the whole. At my owne returning, which, God willing, sall be shortlie, yee sall know more particularlie the rest. So, till then taking my leave, I committ you to the protectioun of the Most High, and your labours to the powerfull blessing of Christ, the author therof.

"From Londoun, this 10th of Februar, 1604.

"Your brother in the Lord to his uttermost,

"Mr P. Galloway.

"The caus of my delay to write, was my awaiting on his Majestie's leasure, to obteane that copie spokin of before, corrected as it is, that so I might write, as it was allowed to stand and be performed."

A NOTE OF SUCHE THINGS AS SALL BE REFORMED.

1. *Of Doctrine.*

1. "That an uniforme, short, and plaine catechisme be made, to be used in all churches and parishes of this kingdom, and none other. There is alreadie the doctrine of the Sacraments added in most cleere and plaine termes.

2. "That a translatioun be made of the whole Bible, als consonant as can be to the originall Hebrew and Greeke; and this to be sett out and printed without anie marginall notes, and onlie to be used in all the churches of England in divine service.

3. "That no Popish or traterous bookes be suffered to be brought in this kingdom; and strait order to be takin, that if they come over, that they be delivered nor sold to none ather in the countrie or universiteis, but suche onlie as may make good use therof, for confutatioun of the adversareis."

2. *Of the Service-Booke.*

1. "That to the Absolutioun, sall be added the word of pronouncing the remissioun of sinnes.

2. "That to the Confirmatioun, sall be added the word of catechizing or examinatioun of the children's faith.

3. "That the privat baptisme sall be called the Privat Baptisme by the ministers and curats onlie; and all these questiouns that insinuat weomen or privat persons, to be altered accordinglie.

4. "That suche Apocrypha as have anie repugnance to canonicall Scripture, sall be removed and not read, and other places chosin for them, which may serve better ather for explanatioun of Scripture, or instructioun in good life and maners, and speciallie, the greatest part of suche places as were givin in writt.

5. "The words of mariage to be made more cleere.

"The crosse in baptisme was never compted anie part in baptisme, nor signe effective, but onlie significative."

3. *Of Discipline.*

1. "The bishops are admonished to judge no ministers, without the advice and assistance of some of the gravest deans and chaplans.

2. "That none sall have power to excommunicat but onlie the bishops in their dioceis, in the presence of these foresaid, and onlie upon suche weightie and great causes to which they sall subscribe.

3. "The civill excommunicatioun now used, is declared to be a mere civill censure; and, therefore, the name of it is to be altered, and a writt out of the Chancerie to punish the contumacie sall be framed.

4. "That all bishops nominated to that effect, sall sett doun the maters and maner of proceeding to be followed heerafter in ecclesiasticall courts, and modifie their fees.

5. "That the oath *ex officio* be rightlie used, *id est*, onlie for great and publict slanders.

6. "That the bishops be carefull to caus the ministers note in everie parish of their dioceis the names of all recusants: also, the names of suche as come to church, and heare preaching, but refuse to communicat everie yeere once; and to present the same to the bishop, the bishop to the archbishop, the archbishop to the king.

7. "That the Sabboth be looked to, and keeped better, throughout all dioceis.

8. "That the high commissioun be rightlie used, the causes to be handled, and the maner of proceeding therin to be declared; and that no person be nominated thereto, but suche as are men of honour and good qualitie."

4. *Of the Ministrie.*

1. "That the reading ministers that are of age, and not scandalous, be provided for and mainteaned by the person preferred to preache in his rowme, according to the valour of the living; and that the unlearned and scandalous be tryed and removed from these places, and learned and qualified be placed for them.

2. "That als manie learned ministers as may be had, with convenient maintenance for them, may be placed in suche places where there is want of preaching, with all haste.

3. "That learned and grave ministers be transported where the Gospell is sattled and planted, to suche parts of the kingdom where greatest ignorance is, and greatest number of recusants are.

4. "That ministers, beneficed men, make residence upon their benefices, and feed their flockes with preaching everie Sabboth day.

5. "That pluralists, and suche as presentlie have double benefices, make residence upon one of them; and that these their benefices be als neere other, as he may preache to the people of both, their weeke about; and where they are farther distant, that he mainteane therin a qualified preacher."

5. *Of Schooles.*

1. "That schooles in citeis, touns, and famileis, throughout all this kingdom, be taught by none but suche as sall be tryed and approved to be sound and upright in religioun; and for that effect, that the bishops in everie one of their dioceis sall take order with them, displacing the corrupted, and placing honest and sufficient in their places.

2. "That order be taikin with universiteis, for trying of maisters and fellowes of colledges, and that none be suffered to have cure of instructing of youth but suche as are approved for their soundnesse in religioun; and suche as are suspected, or knowne otherwise to be affected, to be removed.

3. "That the kingdom of Ireland, the borders of England and Scotland, and all Wales, be planted with schooles and preachers, als soone as may be.

"The ministers have this long tyme past, and sall be in all tyme comming, urged to subscribe nothing but the three articles, which are both cleere and reasonable."

ARTICLES WHERUNTO ALL SUCHE AS ARE ADMITTED TO PREACHE, READ, CATECHIZE, MINISTER THE SACRAMENTS, OR TO EXECUTE ANIE OTHER ECCLESIASTICALL FUNCTIOUN, DOE AGREE AND CONSENT, AND TESTIFIE THE SAME BY SUBSCRIPTIOUN OF THEIR NAMES. ANNO 1583.

1. "That his Majestie under God hath, and ought have, the soveraintie over all maner persons borne within his realmes, dominiouns, and countreis, of what estate ather ecclesiasticall or temporall so ever they be; and that none other power, prelat, state, or potentat, hath, or ought to have, anie jurisdictioun, power, superioritie, pre-eminencie, or authoritie ecclesiasticall or spirituall, within his Majestie's said realmes, dominiouns, or countreis.

2. "That the Booke of Commoun Prayer, and of ordeaning of bishops, preests, and deacouns, conteaneth in it nothing contrarie to the Word of God, and that the same may be lawfullie used; and that I my self who doe subscribe, will use the forme of the said booke prescribed, in publict prayer, and administratioun of the sacraments, and none other.

3. "That I allow the Booke of Articles of Religioun agreed upon by the archbishops and bishops of both the provinces, and the whole clergie, in the convocatioun holdin at Londoun, in the yeere of our Lord 1562, and sett furth by authoritie; and doe beleeve all the articles therin conteaned to be agreable to the Word of God, in witnesse wherof, I have subscribed my name."

MR J. MELVILL'S ARTICLES TO THE PRESBYTERIE OF EDINBURGH.

This copie corrected by the king is slender eneugh, yitt different from the narratioun extant in print. Mr James Melvill was at the presbyterie of Edinburgh the last of Februar, when this letter, with these articles, were presented and read. All others keeping silence, he craved two things: First, that they would, as Christian and brotherlie compassioun craved, be greeved and tuiched with

sorrow, with manie godlie and learned brethrein in our nighbour countrie, who, having expected a reformatioun, are disappointed and heavilie greeved; and if no other way could be found for helpe, that they would at the least helpe by their prayers to God, for their confort and releefe. Nixt, that seing the presbyterie of Edinburgh had ever beene as the Sion and watche-towre of our kirk, and the ministers therof the cheefe watchemen, that they would watche and take heed that no perrell or contagioun come from our nighbour kirk; and give wairning, in cace there be occasioun, to the presbytereis throughout the countrie; and namelie, that they take heed at this parliament, which is indicted by proclamatioun, and intended for unioun of the two realms.

MACKGREGORS HANGED.

Upon the 18th of Januar, Mackgregore was convoyed by the guarde which attended upon the counsell, to Beruick, becaus Argile promised to him, when he randered himself, that he sould be caried to England. But a post was appointed to meete them, to caus bring them backe again, which was done immediatlie. Upon the 20th of Januar, he, and sindrie of his clan, were hanged in Edinburgh. Seven of the number came in long before, as pledges for performance of certane conditiouns which were to be fulfilled by their cheefe. But they were hanged with the rest, without the knowledge of an assize. They were young men, and reputed honest for their owne parts. The Laird of Mackgregore was hanged a pinne above the rest. A young man, called James Hope, beholding the executioun, fell doun, and power was taikin from the halfe of his bodie. When he was carried to an hous, he cryed, that one of the Hieland men had shott him with an arrow. He died upon the Sabboth day after.

HUME LIEUTENANT.

About this tyme, manie Papists resorted to the countrie. The

Lord Hume, a suspected Papist, was made lieutenant of the borders.

There came furth two proclamatiouns in England in the moneth of Februar, and beginning of Marche; the one against Jesuits and Seminarie preests, yitt favourable to the Pope and Papists of estat. The other concerned maters concluded in the conference holdin at Hampton Court, verie favourable for the bishops, and greevous to all that looked for reformatioun. The copie of the former I have sett doun, that the reader may perceave what was the king's minde toward Papists:—

"By the King.

"Having after some tyme spent in settling the politick effaires of this realme, of late bestowed no small labour in composing certane differences we found among our clergie, about rites and ceremoneis heretofore established in this Church of England; and reduced the same to suche an order and forme as, we doubt not, but everie spirit that is led onlie with pietie, and not with humour, sall be therin satisfied; it appeared unto us, in the debating of these maters, that a greater contagioun to our religioun than could proceed from these light differences * * * * * * * by persons, commoun enemeis to them both; namelie, the great number of preests, both Seminareis and Jesuits, abounding in this realme, als weill of suche as were heere before our comming to this crowne, as of suche as have resorted thither since, using their functiouns and professiouns with greater libertie than heeretofore they durst have done, partlie upon a vaine confidence of some innovatioun in maters of religioun to be done by us, which we never intended, nor gave anie man caus to expect; and partlie upon the assurance of our generall pardoun, granted according to the custome of our progenitours, at our coronatioun, for offences past in the dayes of the late queene: Which pardouns manie of the said preests have procured under our great seale; and holding themselves thereby free from the danger of the lawes, doe with great audacitie exercise all offices of their professioun; both

saying masses, perswading our subjects from the religioun established, and reconciling them to the Church of Rome, and, by consequence, seducing them from the true perswasioun which all subjects ought to have of their duetie and obedience to us.

" Wherefore, forasmuche as by way of providence to preserve their people from being corrupted in religioun, pietie, and obedience, is not the least part of royall duetie, we hold our selves obliged, both in conscience and in wisdom, to use all good meanes to keepe our subjects from being infected with superstitious opiniouns in maters of religioun, which are not onlie pernicious to their owne soules, but the readie way and meanes to corrupt their duetie and allegiance, which can not be anie way so surelie performed as by keeping from them the ministers and instruments of that infectioun, which are the preests of all sorts ordeanned in forraine parts, by authoritie prohibited by the lawes of this land. Concerning whom, therefore, we have thought it fitt to publishe to all our subjects this opin declaratioun of our pleasure: That where there be of preests at this present within our kingdom, be they regular or without rule; diverse sorts, some in prissoun, some at libertie; and of both, some having obteaned our pardoun under our great seale, and some having no suche pardoun; and again, some that were heere before our comming to this realme, and some that are come since. For all suche that are in prissoun, we have taikin order that they sall be shipped at some convenient port, and sent out of our realme als soone as possible may be; with commandement not to returne again into anie part of our dominiouns, without our licence obteaned, upon paine and perrell of the lawes being heere in force against them: and for all others that are at libertie, whether having * * * * * * * advertise them and all our subjects, that extending onlie to maters done before the death of the late queene, doeth not exempt anie preest from the danger of the law, for his abode heere since our successioun to the crowne, above the tyme of the statute limited. We doe hereby will and command all maner of Jesuits, Seminaries, and other preests whatsomever, having ordinatioun

from anie authoritie by the lawes of this realme prohibited, to take notice, that our pleasure is, that they doe before the 19th day of Marche nixt ensuing the date heerof, depart furth of our realme and dominiouns; and that for that purpose, it sall be lawfull to all officers of our ports, to suffer the said preests to depart from thence into anie forraine parts, betweene this and the said 19th day of Marche; admonishing and assuring all suche Jesuits, Seminareis, and preests of what sort so ever, that if anie of them sall be after the said 19th day taikin within this realme, or anie our dominiouns, or departing now upon this our pleasure signified, sall therafter returne within this realme, or anie our dominiouns, again, that they sall be left to the penaltie of the lawes heere being in force concerning them, without hope of anie favour or remissioun from us.

"Wherefore, we will and command all archbishops, bishops, lieutenants, justicers of peace, and all others our officers and ministers whatsoever, to be vigilant and carefull after the said 19th day of Marche past, to doe their duetie and diligence, in discovering and apprehending all preests that sall remaine heere contrare to this our declaratioun: which, though perhaps it may seeme to some to presage a greater severitie toward that sort of our subjects who, differing in their professioun from the religioun by law established, call themselves Catholicks, than by our proceedings with them hitherto we have givin them caus to expect, yitt, doubt we not, but when it sall be considered with indifferent judgement what causes have moved us to use this providence against the said Jesuits, Seminareis, and preests, all men will justifie us therin. For to whom is it unknowne into what perrell our persoun was like to be drawin, and our realme into confusioun, not manie moneths since, by a conspiracie first conceaved by persons of that sort, who, having prevailed with some, had undertaikin to draw multitudes of others to assist the same, by the authoritie of their perswasiouns and motives, grounded cheefelie upon maters of conscience and religioun? Which, when other princes sall duelie observe, we assure our selves they will no wise conceave, that this alteratioun groweth from anie change of dispositioun now more

exasperated nor heeretofore, but out of necessarie providence to prevent perrells otherwise inevitable: Considering that their absolute submissioun to forraine jurisdictioun, at their first taiking of orders, doeth leave so conditionall an authoritie to kings over their subjects, as the same power by which they were made may dispense at pleasure with the straitest band of loyaltie and love betweene a king and his people. Amongst which forraine powers, although we acknowledge our selves personallie so muche beholdin to the now Bishop of Rome for his kinde offices, and privat temporall cariage toward us in manie things, as we sall be ever readie to requite the same towards him, (as Bishop of Rome, in state and conditioun of a secular prince,) yitt, when we consider and observe the course and clame of that See, we have no reasoun to imagine that princes of our religioun and professioun can expect anie assurance long to continue, unlesse it might be assented by mediatioun of other princes Christian, that some good course might be taikin by a generall councell, (free and lawfullie called,) to plucke up these roots of dangers and jealousies which arise for caus of religioun, als weill betweene princes and princes, as betweene them and their subjects; and to make it manifest that no state or potentat ather hath or can challenge power to dispose of earthlie kingdoms or monarcheis, or to dispense with subjects' obedience to their naturall soverans. In which charitable actioun there is no prince living that will be readier than we sall be to concurre even to the uttermost of our power, not onlie out of particular dispositioun to live peaceablie with all states and princes of Christendome, but becaus suche a settled amitie might, by an unioun in religioun, be established among Christian princes, as might enable us all to resist the commoun enemie."

The other proclamatioun served to confirme the ecclesiasticall governement, and the Booke of Commoun Prayer, in the same forme and estat as Queen Elizabeth left them, to the great greefe of godlie professors. A writt was directed out of the Chancerie to Johne Whitgift, Bishop of Canterburie, bearing date the 13th of Januarie, to call bishops, deans, archdeacons, chapters, colledges,

and other clergie men of everie diocie within the province of Canterburie, to compeere before him at the cathedrall kirk of Paul's, upon the 20th day of Marche, or ellis where, as he sould thinke most convenient, to treat, consent, and conclude upon certan difficill and urgent effaires, mentiouned in the said writt. But the archbishop died before the tyme appointed. He fell a swowne in the counsell. The bishops, deans, archdeacons, &c., assembled and appeared in convocatioun before Bishop Bancroft, Bishop of Londoun, authorized, appointed, and constituted, (by a secund writt out of the Chancerie, dated the 9th of Marche,) president of the said Convocatioun, by reasoun of the death of the said Archbishop of Canterburie. Free libertie and licence was granted by letters patent under the great seale of England, the one dated the 12th of Aprile, the other the 25th of June, to conferre, treat, and agree upon suche canons, orders, ordinances, and constitutiouns, as they sould thinke to be keeped in tyme comming, and to sitt from tyme to tyme during the first parliament. The canons and constitutiouns agreed upon by them were ratified by the king, and consequentlie, all the corruptiouns which sould have beene abolished. Manie which were growne out of use were re-established, and the godlie putt out of hope of all reformatioun.

About this tyme there was a proclamatioun, whereby the two kingdoms were united, under the name of Great Britaine.

A PART OF THE KING'S SPEECHE, AS IT WAS DELIVERED BY HIM IN THE UPPER HOUS OF THE PARLIAMENT, TO THE LORDS SPIRITUALL AND TEMPORALL, AND TO THE KNIGHTS, CITICENS, AND BURGESSES THERE ASSEMBLED, ON MOONDAY, THE 19TH OF MARCHE, 1603; BEING THE FIRST DAY OF THE PARLIAMENT, AND THE FIRST PARLIAMENT OF HIS MAJESTIE'S RAIGNE IN ENGLAND.

"At my first comming, though I found but one religioun, and that which by my self is professed, publictlie allowed, and by the law mainteaned, yitt found I another sort of religioun, besides a

privat sect, lurking within the bowells of this natioun. The first, is the true religioun, which by me is professed, and by the law established. The secund, is the falselie called Catholicks, but truelie Papists. The thrid, which I call a Sect rather than Religioun, is the Puritans and Novelists, who doe not so farre differ from us in points of religioun, as in their confused forme of policie and paritie, being ever discontented with the present governement, and impatient to suffer anie superioritie; which maketh their sect unable to be suffered in anie weill governed commoun wealth. But as for my course toward them, I remitt it to my proclamatiouns made upon that subject.

"And now for the Papists: I must putt a difference betuixt myne owne privat professioun of myne owne salvatioun, and my politick governement of the realme for the weale and quietnesse therof. As for my owne professioun, you have me, your head, now amongst you, of the same religioun that the bodie is of. As I am no stranger to you in blood, no more am I a stranger to you in faith, or in the maters concerning the hous of God. And although this my professioun be according to myne educatioun, wherin, I thanke God, I sucked the milke of God's truthe, with the milke of my nurce, yitt doe I heere protest unto you, that I would never for suche a conceate of constancie, or other prejudicat opinioun, have so firmelie keeped my first professioun, if I had not found it agreeable to all reasoun, and to the rule of my conscience. But I was never violent nor unreasonable in my professioun. I acknowledge the Roman church to be our mother church, although defiled with some infirmiteis and corruptiouns, as the Jewes were when they crucified Christ. And as I am no enemie to the life of a sicke man, becaus I would have his bodie purged of ill humors, no more am I enemie to their church, becaus I would have them reforme their errours, not wishing the doun throwing of the temple, but that it might be purged and cleansed from corruptioun; otherwise, how can they wishe us to enter, if their hous be not first made cleane? But as I would be laither to dispense in the least point of myne owne conscience for anie worldlie respect, than the

foolishest precisian of them all, so would I be als sorie to straight the politick governement of the bodeis and mindes of all my subjects to my privat opiniouns. Nay, my minde was ever so free from persecutioun, or thralling of my subjects in maters of conscience, as I hope that these of that professioun within this kingdom have a prooffe since my comming, that I was so farre from encreassing their burtheins, with Rehoboam, as I have so muche as ather tyme, occasioun, or law could permitt, lightenned them; and even now, at this tyme, have I beene carefull to revise and consider deepelie upon the lawes made against them, that some overture may be propouned to the present parliament, for cleering these lawes by reasoun, (which is the soule of the law,) incace they have beene in tymes past further, or more rigorouslie extended by judges, than the meaning of the law was, or might tend to the hurt als weill of the innocent, as of the guiltie persons.

"And as to the persons of my subjects which are of that professioun, I must divide them into two rankes, clericks and laicks. For the part of the laicks, certanlie, I ever thought them farre more excusable nor the other sort, becaus that sort of religioun conteaneth suche an ignorant, doubtfull, and implicite, kinde of faith in the laicks, grounded upon their church, as except they doe generallie beleeve whatsoever their teachers please to affirme, they cannot be thought guiltie of these particular points of hereseis and corruptiouns, which their teachers doe so willinglie professe. And again, I must subdivide the same laicks into two rankes; that is, ather quiett and weill-minded men, peaceable subjects, who ather being old, have reteanned their first drunkin liquor, upon a certane shamefastnesse to be thought curious or changeable; or being young men, through evill educatioun, have never beene nurced or brought up but upon suche venome, in place of wholesome nutriment. And that sort of people, I would be sorie to punish their bodeis for the errour of their mindes, the reformatioun wherof must onlie come of God, and the true Spirit. But the other ranke of laicks, who ather through curiositie, affectioun of noveltie, or discontentment in their privat humors, have changed their coats, onlie

to be factious, stirrers of seditioun, and perturbers of the commoun wealth, their backwardnesse in their religioun giveth a ground to me, the magistrat, to take the better heed to their proceeding, and to correct their obstinacie. But for the part of the clericks, I must directlie say and affirme, that als long as they mainteane and affirme one speciall point of their doctrine, and another point of their practise, they are no way sufferable to remaine in this kingdom. Their point of doctrine is that arrogant and ambitious supremacie of their head, the Pope, whereby he not onlie clames to be spirituall head of all Christians, but also, to have an imperiall civill power over all kings and emperours, dethroning and decrowning princes with his foote, as pleaseth him, and dispensing and disposing of all kingdoms and empyres at his appetite. The other point which they observe in continuall practise is, the assassinates and murthers of kings, thinking it no sinne, but rather a mater of salvatioun, to doe all actiouns of rebellioun and hostilitie against their naturall soverane lord; if he be once cursed, his subjects discharged of their fidelitie, and his kingdom givin a prey by that three-crowned monarch, or rather monster, their head. And in this point, I have no occasioun to speeke further heere, saving, that I could wish from my heart, that it would please God to make me one of the members of suche a generall Christian unioun in religioun, as laying wilfulnesse aside on both hands, we might meete in the midds, which is the center and perfectioun of all things. For if they would leave, and be ashamed of suche new and grosse corruptiouns of theirs, as themselves can not mainteane, nor deny to be worthie of reformatioun, I would for myne owne part be content to meete them in the mid way, so that all novelteis might be renounced on either side. For as my faith is the true, ancient, catholick, and apostolick faith, grounded upon the Scriptures and expresse Word of God, so will I ever yeeld all reverence to antiquitie in the points of ecclesiastical policie, and by that meanes, sall I ever with God's grace keepe my self from ather being an heretick in faith, or schismatick in maters of policie.

"But one thing I would have the Papists of this land to be

admonished, that they presume not so muche upon my lenitie, (becaus I would be laith to be thought a persecuter,) as therupon to thinke it lawfull for them, daylie to encreasse their number and strenth in this kingdom, whereby, if not in my tyme, at least in the tyme of my posteritie, they might be in hope to erect their religioun again. No, lett them assure themselves, that as I am a freind to their persons if they be good subjects, so am I a vowed enemie, and doe denounce mortall warre to their errours; and that as I would be sorie to be drivin by their evill behaviour from the protectioun and conservatioun of their bodeis and lives, so will I never ceasse, als farre as I can, to treade doun their errours and wrong opiniouns. For I could not permitt the increasse and growing of their religioun, without first betraying of my self and myne owne conscience: Secundlie, this whole isle, als weill the part I am come from, as the part I remaine in, in betraying their liberteis, and reducing them to the former slavish yoke which both had castin off before I came amongst them: And, thridlie, the libertie of the crowne in my posteritie, which I sould leave again under a new slaverie, having found it left free to me by my predecessors. And, therefore, would I wish all good subjects that are deceaved with that corruptioun, first, if they finde anie beginning of instructioun in themselves of knowledge and love to the truthe, to foster the same by all lawfull meanes, and to bewar of quenching the spirit that worketh within them. And if they can find as yitt no motioun tending that way, to be studious to reade and conferre with learned men, and to use all suche meanes as may further their resolutioun; assuring themselves, that als long as they are disconformable in religioun from us, they can not be but halfe my subjects, be able to doe but halfe service, and I to want the best halfe of them, which is their soules.

"And heere have I occasioun to speeke to you, my lords the bishops; for as you, my Lord of Durhame, said verie learnedlie to-day in your sermoun, 'Correctioun without instructioun is but a tyrannie,' so ought you, and all the clergie under you, to be more carefull, vigilant, and diligent than you have beene, to winne

soules to God, als weill by your exemplarie life as doctrine. And since you see how carefull they are, spairing nather labour, paines, nor extreme perrell of their persons, to divert, (the devill is so bussie a bishop,) yee sould be the more carefull and wakefull in your charges. Follow the rule prescribed you by St Paul. Be carefull to exhort and instruct, in seasoun and out of seasoun; and where you have beene anie way sluggish before, now wakin your selves up again with a new diligence in this point; remitting the successe to God, who calling them ather at the secund, thrid, tenth, or twelfth houre, as they are alike welcome to him, so sall they be to me, his lieutenant heere."

MR WALTER BALCALQUALL ACCUSED.

In this moneth of Marche, Mr Walter Balcalquall was called before the counsell for admonishing in pulpit, that religioun be not hurt in the treatie of the unioun of the two natiouns which was intended. Yitt could they not find anie just mater of accusatioun.

A CONVENTION OF THE COMMISSIONERS OF THE GENERALL ASSEMBLIE, AND COMMISSIONERS FROM SYNODS.

The synodall assemblie of Fife conveenned at Falkland, directed commissioners to attend upon the commissioners of the Generall Assemblie, at the parliament to be holdin in Edinburgh, the 24th of Aprile. Mr Patrik Galloway, and Mr David Lindsey, Bishop of Rosse, latelie come from court, reported in a full conventioun of the commissioners both of the Generall Assemblie and of the last synods, that they had craved a Generall Assemblie to be convocated before the holding of the parliament; but the king answered, it was needelesse, in respect that nothing was to be treatted at the parliament but the unioun of the two realmes, wherin the kirk had no interesse, and whereby the order and discipline of our kirk sould no wise be prejudged. The commissioners of the synods answered, that the realmes could not be

united, without unioun and conformitie of the kirks, government, and worship: how could the kirks be united, unlesse the one gave place to the other? It was replyed, that nothing was to be done at this parliament, but choosing of commissioners to treate upon the unioun, and to report. It was replyed, that commounlie, as maters were dressed in conferences and treateis, they past in full meetings, and, therefore, the greatest danger was in the want of skill, faithfulnesse, watchefulnesse, and good affectioun in the commissioners. Who could undertake commissioun in so weightie a mater for the whole kirk, without directioun and warrant from the Generall Assemblie; or who could be called commissioners for anie estat, or take the charge upon him, unlesse he be chosin, and receave instructiouns from that estat? It was answered, the parliament choosed, and the kirk had certan appointed to vote in it. It was replyed, that suche were ather the old prelats or the new named bishops. If the old prelats, there have beene exceptiouns, and protestatiouns from tyme to tyme against them, as nather bearing office in the kirk, nor having commissioun from the same. If new named bishops, there was an expresse cautioun, discharging them to presume to propone anie thing in the parliament in name of the kirk, or anie other conventioun, without expresse warrant and directioun from the Generall Assemblie, under the paine of deprivatioun. This reasoning pleased not the new named bishops, and suche commissioners as the king confided in, and, therefore, was lightlie brokin off, and the mater putt off till further advisement. The commissioners from synods, fearing that the parliament would choose after the commoun maner the Lords of Articles, and they, commissioners, to treate upon the unioun, purposed to protest in opin parliament. But being assured again, that the king had promised to alter nothing in the order and discipline of our kirk, providing we behaved our selves quietlie at this tyme, and perceaving that the treatie was like to be crossed both in England and Scotland, they contented themselves with the articles and advice following, which was presented to the commissioners of the Generall Assemblie, with a grave and sharpe admonitioun. It was

courteouslie receaved, notwithstanding of the sharpenesse; and they promised to follow it; and suche as had place promised faithfullie to putt it in practice.

THE ADVICE OF THE SYNOD OF FIFE GIVIN TO THE COMMISSIONERS OF THE GENERALL ASSEMBLIE CONVEENNED IN EDINBURGH, BEFORE THE PARLIAMENT, THE 24TH OF APRILE, 1604.

"Forasmuche as by your missives directed to our presbytereis, (right reverend and worshipfull brethrein,) we were wairned to give in our advice to you, before this proclamed parliament, anent maters to be propouned to the same for the weale of the kirk; for discharging of that duetie we have sett doun, and sent to you in writt by our commissioners, with all heartie salutatioun in Christ, these articles for our advice following:—

"And first, we thanke God for this purpose of this unioun of these realmes together, as most lovable and good, in respect, that alreadie by the professioun of the Gospell, they have beene united in God these manie yeeres bypast; and now, by a speciall blessing of that same Gospell of peace and unioun in Jesus Christ, they are come under a king, in vertue and graces uncomparable. And, therefore, we earnestlie wishe the samine, by all good meanes, and endeavoures of all estats to be prosecuted, namelie, by the ecclesiasticall, evin till it be effectuated for the establishment and maintenance of the kingdom of Jesus Christ, which is the kingdom of true peace and unioun, working sure safetie, and firme weelefare, to all kings and kingdoms, raigning and standing with Christ and in him.

"Secundlie, becaus the occasioun of treatie anent this unioun so happilie of God's good and great providence fallin out, is since the last Generall Assemblie of the kirk of this realme, yee could therefore have no warrant, directioun, or informatioun, to deale in particulars concerning the same, yitt we thinke yee may, and sould doe this in generall, in name of the said Assemblie; that is to say, first, to crave the acts made in favours of the kirk in parliaments

preceeding, to be ratified and confirmed of new in this present. Nixt, solemnelie to protest, that nothing be done by way of commissioun or otherwise, at this tyme, whereby anie innovatioun, alteratioun, hurt, or prejudice ensue, against the present right and possessioun of the doctrine, discipline, and governement of the kirk and kingdom of Jesus Christ within this realme, established by the Word of God, confirmed by the law of the countrie, breefelie comprehended and published in the king's Majestie's Confessioun of Faith; wherunto all his Hienesse's subjects were moved, with their king and soverane lord, solemnelie to sweare and subscribe, and the which, his Majestie going to his prosperous promotioun, most gratiouslie vouchsafed and granted, it sould injoy peaceablie and unaltered heerafter. And incace there be anie thing done in the contrare, as God forbid, to protest it be null, and of no force or effect in it self, in respect that nather the generall kirk was wairned thereto, nor had directed anie commissioners theranent.

"Thridlie, that the old petitioun of the Generall Assemblie be renewed, and so muche the more presentlie urged as the danger is great; to witt, that none vote in name of the kirk, and for the estat therof in parliament, who beare not office within the same, nor have anie commissioun from it so to doe; and if they be admitted to sitt and vote there in that name, to protest it be not esteemed the vote and judgement of the Kirk of Scotland.

"Fourthlie, forasmuche as it is expresselie by cautioun provided, that these of the ministrie who, in name of the kirk, are appointed to vote in parliament, sall not presume at anie tyme in parliament, counsell, or conventioun, to propone anie thing in name of the kirk, without expresse directioun and warrant therefra, nather yitt sall keepe silence in opponing themselves thereto, if they sall heare or perceave anie thing uttered to the hurt and prejudice therof, under paine of deprivatioun; therefore, we thinke that yee sould charge the said voters in parliament, in name of Christ and his kirk, so to doe, under the paine of deprivatioun, and farther, as Christ by his kirk may inflict: and to recommend

to them the order and discipline of the kirk to be weill considered, studied, and had in memorie, that they may mainteane, and stand faithfullie for the same to their uttermost; remembring that accompt they must give to the generall kirk of this realme, but namelie, to Jesus Christ, at that generall, great, and glorious parliament of his last appearance, to judge the quicke and the dead.

"Fyftlie and last, we most earnestlie beseeke you in the bowells of Christ, yea, even attesting and adjuring before God and his elect angells, as yee will make answere to that great Judge to whom yee must give a compt of your stewartrie, that yee, by these presents, informe and certifie the commissioners to be chosin in this present parliament, to treate upon this unioun for the part of the kirk; and so, by them, the king our soverane, his most excellent Majestie on earth, that we beleeve in our consciences and heart, instructed, cleered, and assured by the Word of God writtin in holie Scripture, that the essentiall grounds of the discipline and governement of the kirk and kingdom of Jesus Christ, established and in use within this realme of Scotland, is not a thing indifferent or alterable, but a substantiall part of the Gospell, having the like warrant as anie point of our faith and religioun; which to renounce or passe fra, we will by His grace esteeme als hard, as to renounce the manifest truthe of God reveeled to us in Scripture, yea, harder nor to suffer death: which expresselie by these presents we protest and professe, choosing rather so to doe now before hand, for the ease and releefe of our consciences, nor over late heereafter, when as there may be (as God forbid) constitutiouns and lawes made to the contrare. In witnesse whereof, to stand before God and his kirk, we have subscribed these articles of our advice and protestatioun, by the hand of our moderator, at our command, and in our name. Falkland, the eight of Aprile, 1604.

"Mr James Melvill, Moderator,
"in name of the Synod."

Mr James Melvill at this tyme being assured that the king

hated him worst of anie man in Scotland, becaus he crossed all his turnes, and was a ringleader to others, Mr James answered to the informer, "My resolution is this :—

"Nec sperans aliquid, nec extimescens,
Exarmaveris impotentis iram."

A PARLIAMENT.

The Erle of Montrose, chanceller, was the king's commissioner at this parliament. There were foure lords made; the Maister of Paisley, Lord Abercorne; the secretar, Lord Balmerinoth; the Laird of Tullibardin, elder, Lord Murrey of Tullibardin; the Laird of Wemes, elder, Lord Colvill of Culrosse. Everie one of the lords had two knights made. Upon the 26th of Aprile, ryding to the Tolbuith in pompe, the Maister of Montrose went before his father, the vicegerent, careing in a velvet purse the commissioun. Angus caried the crowne, Mortoun the scepter, Atholl the sword. Mr David Lindsey, and his sonne-in-law, Mr Johne Spotswod, raid as bishops. Huntlie contended for careing the crowne, but obteaned not his intent. The unioun was not agreed unto, nather in this parliament nor in the English; wherupon it was continued according to the king's directioun till Julie nixt.

THE PEST IN EDINBURGH.

About the beginning of Aprile, the pest entered in Edinburgh, and infected Mr Johne Hall, one of their ministers his hous. It spread in May.

A PARLIAMENT HOLDIN AT PERTH.

The parliament was holdin in Perth in Julie, because the pest was in Edinburgh. At this parliament, the commissioners were chosin to goe to England, to treate upon the unioun. His Majes-

tie, in a letter to the estats, sett doun a leit; but they made a new leit of their owne. The barons and burgesses, with some noblemen, namelie, William Erle of Mortoun, desired a claus to be insert in the commissioun for the unioun, to witt, for preserving the estat of religioun in doctrine and discipline, in the owne fredome and sinceritie. They craved the assistance of the commissioners of the Generall Assemblie. But they, borne backe by the new named bishops and agents of the court, had little care therof. This was a blott of treasoun against the caus; yitt the Erle of Morton insisted so earnestlie in opin parliament, that howbeit the claus was not insert in the commissioun, yitt, in the first act made in favours of the kirk, it was provided, that the present state of the Kirk of Scotland sould no wise be prejudged in doctrine or discipline by the present commissioun granted for the unioun. The tenour of the commissioun tuiching the unioun of the two kingdoms is extant in print among the acts of parliament. In the narrative, it is said that his Majestie meaneth no way by the unioun to prejudge or hurt the fundamentall lawes, ancient priviledges, offices, and liberteis of this kingdom; and his intentioun in establishing the foresaid unioun is onlie to alter and reforme suche indifferent and temporall statuts, particular customes, or speciall' ordinances, whereby particular debates and unhappie accidents, which might disturbe the perfyte amitie betuixt the two natiouns, might be prevented. The names of the commissioners authorized to conferre and treate with the commissioners appointed by the parliament of England were these following, or anie twentie of them: Erles, Montrose, Erroll, Marshall, Glencarne, Linlithquo; Bishops, Johne Archbishop of Glasgow, David Bishop of Rosse, George Bishop of Cathnesse, Walter Pryour of Blantyre; Patrik Lord Glames, Alexander Lord Fyvie, president, Robert Lord Roxburgh, James Lord Abercorne, James Lord Balmerinoth, secretar, David Lord Skoone; Sir James Scrimgeour of Duddop, knight, Sir Johne Cockburne of Ormestoun, Sir Johne Hume of Coldingknowes, Sir David Carnegie of Kinnaird, Sir Robert Melvill, elder, of Mordecarnie, knight, Sir Thomas Hammiltoun of Binning, knight, Sir

Johne Lermonth of Balcolmie, knight, Sir Alexander Stratoun of Lawrestoun, knight, Sir Johne Skeene of Curriehill, knight; Mr Johne Schairp of Howstoun, lawyer, Mr Thomas Craig, lawyer; Henrie Nisbit, George Bruce, Alexander Rutherfurde, Mr Alexander Wedderburne, merchants.

THE GENERALL ASSEMBLIE FENCED.

The Generall Assemblie was appointed to be holdin at Aberdeene, the last Tuisday of Julie. Sir David Murray, Lord of Skoone, and comptroller, brought from court, among other articles, the continuatioun of the Assemblie, till the unioun was concluded, and the nixt advertisement were sent. The presbyterie of Saint Andrewes, carefull to keepe the libertie of the Generall Assemblie, resolved to keepe the dyet appointed by the last Assemblie, becaus the warrant of keeping was greater nor the warrant of continuatioun; for we had the Word of God, the lawes of the realme, the custome of the kirk since the reformatioun, the indictioun of the last Assemblie with consent of his Majestie. They were at this tyme the more carefull, becaus all éstats were sett to mainteane their rights and liberteis; wherupon they directed their commissioners to Aberdeen, and reported their diligence as followeth:—

> "At Aberdeene, the last day of Julie, the yeere of God 1604, within St Nicolas parish kirk, of the burgh of Aberdeen, at foure houres after noone, or thereby, before these witnesses,—Mrs Peter Blekburne, James Rosse, Archibald Blekburne, ministers at Aberdeen, Johne Rough, minister at Wig, Mr Thomas Nicolsone, commissar of Aberdeen, and George Nicolsone, burgesse of the said burgh.

"The which day, in presence of the witnesses foresaids, and of us, connoters publict undersubscribing, compeered personallie within the said parish kirk, Mrs James Melvill, William Areskine,

and William Murrey, ministers of the evangell of Jesus Christ; and presented a commissioun givin unto them by their brethrein of the presbyterie of St Andrewes, whereby they are constituted commissioners for them for keeping of the Generall Assemblie at Aberdeene, this moneth of Julie instant; as the said commissioun, which was read in audience of us and of the said witnesses, in the self at more lenth beares, wherof the tenour followeth:—

"At St Andrewes, the 26th day of Julie, 1604 yeeres: The which day, after the incalling of God, the presbyterie constituted and appointed their brethrein, Mrs James Melvill, William Areskine, and William Murrey, their commissioners to the Generall Assemblie, appointed to be holdin at Aberdeen this moneth; giving to them their full commissioun and expresse to passe to Aberdeen, and there, for the said presbyterie, and in their name, to reasoun, vote, and conclude in suche things as sall be handled in the said Assemblie, and to doe whatsomever other things belong to the weale of the kirk; promising to ratifie and approve whatsomever their said commissioners sall doe therinto, according to the Word of God. In witnesse wherof, they have commanded their clerk to subscribe this present commissioun, day, yeere, and place foresaid.

(*Sic subscribitur*) "Mr Robert Rough,

"Clerke of the Presbyterie, at command of the same."

"And therewith gave in and presented in writt their protestatioun subsequent, which, siclyke, was read in audience of us and the said witnesses, and was subscribed with their hands in our presence, wherof, likewise, the tenour followeth:—

"Forasmuche as albeit the Kirk of Scotland, ever since the reformatioun of religioun and light of the Gospell, rightlie instructed and informed thereby, have thought it a most necessar duetie aughtand to Christ and his kirk, to conveene in their Generall Assembleis yeerelie, for keeping of the puritie of doctrine, exercising of discipline, and governing of the whole estat therof, with uniforme consent and agreement, lyke as they have beene in con-

tinuall custome, use, and possessioun, to keepe the same inviolablie, as a cheefe and principall part of the office of the ministrie commanded by the Lord Jesus Christ. As also, God has moved the heart of the king, our soverane, with consent of his Majestie's estats in parliament, by speciall act and law to ratifie and approve the same; granting libertie and freedom to the ministers of the kirk, to conveene in their Generall Assembleis once in the yeere at least, and oftener, *pro re nata;* and the king's Majestie, of his speciall care and affectioun to the kirk of Jesus Christ within his Hienesse' realme, gave his owne presence at diverse Generall Assembleis, as at the last, holdin at Halyrudhous; where certane greeves being givin in, and, amongst the rest, that the Generall Assembleis were not ordinarlie keeped, his Majestie, with the said Assemblie, ordeanned that to be amended in tyme comming, appointing the act of parliament made theranent to be observed, inserting the verie words of the said act of parliament in the ordinance of the Assemblie; and according thereto, at the ending of the same Assemblie, appointed the nixt Generall Assemblie to be holdin at Aberdeen, the last Tuisday of Julie, in this present yeere 1604: Neverthelesse, that day now being come and instant, we found no appearance of keeping of the said appointed Assemblie, by the presence of the last moderator, nor conventioun and meeting together of brethrein, commissioners directed from provinces and presbytereis, to the great displeasure and greefe of our hearts, namelie, in so needfull a tyme, when masses are brokin furth in diverse parts,[1] and some of the cheefe burghes of the realme, kirks, and congregatiouns, ly pitifullie unplanted; a carelesse coldnesse in all estats, namelie, of the ministrie it self, of the Gospell and glorie of the Lord Jesus, and atheisme, with all kinde of vice overflowing the face of the land.

"Therefore we, Mrs James Melvill, William Murrey, and William Areskine, ministers, commissioners appointed by the presbyterie of St Andrewes to this present Generall Assemblie, having

[1] Perth and Linlithquo.—*Note in the Original.*

preciselie keeped this foresaid day sett for the said Assemblie, and attended in the kirk of Aberdeene all the forenoone, without meeting of anie commissioners from other presbytereis; since we could doe no more, have thought it our necessar duetie before God and his angels, and you that are present, to take documents, and make protestatioun: Lyke as in the hands of you, notars publict, we take acts, instruments, and documents, that we above-nominated are heere present, directed in commissioun from our said presbyterie of St Andrewes, for keeping of the said appointed Generall Assemblie, on this day, and in this place, so that it desert not, so farre as lyeth in us; but may hold and keepe, according to the Word of God, constitutiouns, and continuall custome of our kirk, the lawes of the realme, and appointment of the last Generall Assemblie, wherin the king's Majestie was present. And we protest before God, as said is, that whatsoever skaith, hurt, domage, or interest, the kirk and kingdom of Jesus Christ within this realme, in the priviledges, liberteis, and freedom or otherwise, in the generall or particular estat therof, sall happen to susteane or incurre by the overseing, neglecting, and slipping of the said appointed Assemblie, it be not imputed unto us, nor our said presbyterie of St Andrewes: Protesting also expresselie, that the same, if anie be, may be amended and redressed by remeed of the Word of God, lawes of the realme, acts and constitutiouns of our kirk, and old libertie and freedome therof, at suche tyme and place as God sall thinke convenient.

"Thus protesting, and procuring most instantlie and solemnelie for the weale, priviledge, and libertie of the said kirk and kingdom of Jesus Christ established within this realme; moved and stirred up thereto for no other caus, as God, the great Judge, sall judge us, but that we may doe and discharge a most necessar duetie, for the glorie of Christ, safetie of his kirk, and the ease and releefe of our conscience, in that great day of his glorious appearance, to call us to an accompt of our ministrie and dispensatioun.

(*Sic subscribitur*) "Mr JAMES MELVILL.
"Mr WILLIAM ARESKINE.
"Mr WILLIAM MURREY."

"Which commissioun and protestatioun being read and presented, as said is, the said Mrs James Melvill, William Areskine, and William Murrey, made their protestatiouns conforme therunto, and tooke documents and instruments therupon, in the hands of us, connotars publict, undersubscribing, day, moneth, yeere, and place foresaids; and before the witnesses abovementiouned, witnessing these our subscriptiouns manuall:

"Ita est Magister Thomas Mollesonus, scriba communis burgi de Aberdeen, notarius publicus, ac testis ad præmissa, requisitus et rogatus, testan. hac mea subscriptione manuali. Ita est Walterus Robertsone, scriba substitutus burgi de Aberdeene, connotarius publicus, in præmissis specialiter requisitus et rogatus, testan. his meis signo et subscriptione manualibus. Ita est David Marr, connotarius, in præmissis rogatus et requisitus, testan. hac mea subscriptione manuali."

THE SYNOD OF ABERDEENE.

The weill affected brethrein of the North perceaving the presbyterie of St Andrewes to have suche a care of the Generall Assemblie, were ashamed of their owne negligence, [and] asked the advice of the commissioners of the presbyterie. They counselled them to direct letters and commissioners from their nixt synod, which was to be holdin at Aberdeene in August, to all the synods of the realme; and to requeist them to direct some of their number to be present at the synod which was to be keeped at St Andrewes in the moneth of September, where they might lay opin their greeves, namelie, concerning the Erle of Huntlie, and crave their concurrence for a Generall Assemblie. This advice was followed.

THE SYNOD OF LOTHIANE.

The synod of Lothiane held in Tranent the 15th of August. The two archbishops, Mr Johne Spotswod, and Mr James Law, were at this synod, where, being charged for their indirect dealing

to overthrow the discipline of the kirk, they purged themselves in opin assemblie, protesting they had no suche intentioun, but onlie to recover the kirk rents, and therafter they sould submitt the same unto the assemblie. The brethrein were jealous of them, notwithstanding of this their protestatioun; and they were urged to subscribe the Confessioun of Faith of new, with the rest of their brethrein: lyke as they subscribed the said Confessioun, printed at Edinburgh, in folio, by Henrie Charters, the yeere 1596, *cum privilegio regali.*

The Names of the Subscribers.

DUMBAR PRESBYTERIE—Edward Hepburne, Mr Johne Forrest, Mr Thomas Hepburne, Mr James Hume, Mr James Young.

HADINTOUN PRESBYTERIE—Mr Robert Wallace, Mr Archibald Oswald, Mr James Carmichaell, Mr Andrew Mackgie, Mr Andrew Blakhall, Mr Walter Hay, minister at Bothans, Daniel Wallace, Mr Patrik Carkettill, Mr Johne Adamsone, Mr George Greir, Mr David Ogill, James Reid.

DALKEITH PRESBYTERIE—Mr Adam Colt, Mr George Ramsay, Mr Patrick Turnet, Mr William Knox, Mr Archibald Simsone, Nathaniel Harlaw, Mr James Haistie, Mr William Penman, Luke Sonsie.

EDINBURGH PRESBYTERIE—Mr Walter Balcalquall, Mr Michael Cranstoun, Mr William Arthure, Mr Henrie Charters, Mr Charles Lumisden, Mr Richard Thomsone, Mr Henrie Blyth, Mr James Thomsone, Mr Johne Murrey, Mr Peter Hewat, Mr James Mureheid, Mr Richard Dicksone, William Aird, Mr James Bennet.

LINLITHQUO PRESBYTERIE—Mr Johne Spotswod, Mr James Law, Mr Alexander Monypennie, William * * * *, Mr Robert Cornwall, Mr William Powrie.

PEEBLES PRESBYTERIE—Mr Archibald Dowglas, Mr James Logane, Mr David Nerne, Mr Archibald Row, Mr Gavin Makcall, Mr Robert Livingstoun, Johne Ker, minister at Lyn.

ARTICLES OF PEACE WITH SPAINE.

Articles of peace, intercourse, and commerce, were concluded in the names of James, King of Great Britane, &c., and Philip the Thrid, King of Spaine, and Albertus, and Isabella Clara Eugenia, Archdukes of Austria, Dukes of Burgundie, &c., in a treatie at Londoun, the 18th day of August, after the old stile, in the yeere of our Lord 1604, which were translated out of Latine into English, and printed, wherunto I remitt the reader.

THE SYNOD OF FIFE AND COMMISSIONERS FROM OTHER PARTS.

A great number conveenned at St Andrewes in the moneth of September, where the Synod of Fife held. Manie gentlemen, and sindrie commissioners from the synods, namelie, out of the South and the West, repaired to them. Mr James Melvill, moderator of the last synod, taught upon the 29th of Deuteronomie. The Laird of Lawrestoun, the king's commissioner, being informed that they meant to keepe a Generall Assemblie, had letters in readinesse from the counsell to discharge their meeting. But when he heard the occasioun opened up by the brethrein of Aberdeen synod, and saw all the proceedings to be after an ordinar and quiet maner, he approved all, and yeelded to a conventioun to be keeped at Perth. At this synod, the question was reasouned, whether the Generall Assemblie might be holdin without craving and obteaning the king's licence. Mr James Melvill said, that besides the warrant of Christ, the onlie king of his kirk, which is sufficient eneugh, we have a law for it, which the king himself, in a Generall Assemblie at Dundie, acknowledged to be the most authentick forme of licence and consent that a king could give: *Possumus quod de jure possumus.* They need not doubt of it, that even as shireffs and barons keeped their courts upon the warrants of their gifts and infeftments, so might they their Assembleis. The gentlemen applauded; but Lawrestoun, the king's commissioner, granting that

they might, said it was better to have it with his Majestie's consent and contentment, which he doubted not would be granted, being sought in due maner; otherwise it would breed a stirre, and would be discharged by the counsell. They sould doe weill, therefore, to make wairning from this synod to the rest of the provinces, to direct their commissioners to conveene at Perth, with the commissioners of this synod and the commissioners of the Generall Assemblie, in October. He promised to wairne the commissioners of the Generall Assemblie to that effect, and to be present himself. Mr George Gladestains, within fewe dayes after, misreported the proceedings at Aberdeene and in this synod; wherupon the king sent doun to the counsell to charge Mr Andrew Melvill, Mr James Melvill, and some others that came to St Andrewes from other synods, in waird. But the counsell refused, thinking it a dangerous preparative to waird men unheard or uncondemned.

The dyett sett at Perth in October was frequentlie keeped. The king's commissioner declared the caus of their meeting, and desired the commissioners from provinces to meete together by themselves, and to advise upon articles or petitiouns to be sent with him to the king, for he was presentlie upon his journey, and he with the commissioners of the Generall Assemblie would advise in like maner apart by themselves. The commissioners of the synods went apart, uttered their greefe to other; regraited heavilie the decay of the libertie of the kirk, the usurpatioun of the commissioners of the Generall Assemblie, taiking upon them the whole rule and governement of the kirk; the great and manie inconveniences fallin furth thereby in all provinces, the want of a free Generall Assemblie. But how soone the knowledge of this came to the commissioners of the Generall Assemblie, they were not suffered to conveene again apart, but behoved to sitt with them, or then to be discharged. Manie would have continued their meeting apart, but the greatest part left them; therefore, least they sould seeme singular, or authors of schisme, they satt doun with the rest.

Two greevances speciallie they harped upon: One, that the

commissioners last chosin in the Generall Assemblie, or rather, some few of their number, arrogated unto themselves the whole governement of the kirk and power of the Generall Assemblie; did and undid in name therof as they pleased, and redacted the kirk to an oligarchie, notwithstanding that the tyme appointed for the nixt Generall Assemblie being past, their commissioun ceassed, seing it was givin to endure but onlie from one Assemblie to another. The other, that they saw the new named bishops take upon them ambitiouslie to reasoun and vote in parliament, without anie commissioun from the kirk, to the great shame of the kirk in her estimatioun, and hurt in her patrimonie. They answered to the first, their commissioun was to continue till the nixt Assemblie, which keeped not: it was not so muche their desire to remaine commissioners, for they were wearie of the office, but the king would acknowledge no other to deale with, and that they would find, if they attempted anie thing without them. To the nixt—that if the bishops have done anie thing contrare to their cautiouns, and ordinance of the Generall Assemblie, they sould find the commissioners als severe censurers as anie other. Mr Patrik Galloway, moderator of the meeting, spake verie largelie, and after him, everie one of the commissioners and bishops there present, striving who might be most zealous against bishops, in breaking the cautiouns. Mr George Grahame, who had entered in the bishoprick of Dumblane without acknowledging the kirk, against manie his promises made in the contrare in opin Assembleis, said at this tyme, "I would he were hanged above all theeves, that preasseth not to the uttermost to see these cautiouns keeped, to keepe out of the kirk the corruptiouns, pride, and tyrannie of bishops!" It was replyed, there was never a jote of the cautiouns keeped, ather in the entrie or behaviour of the bishops: they deserted their flockes, posted to court, and came home Lord Bishops, Mr Johne Spotswod, Mr Alexander Forbesse, and others, &c., which they offered presentlie to prove. The replyers were desired to reserve their greeves to the Generall Assemblie, wherat, if they gott not concurrence of the commissioners of the Generall

Assemblie, as they had there professed and promised, they sould never be esteemed as brethrein again. It was answered, that all greeves were remitted to a Generall Assemblie, and in the meane tyme, suche as feared controlment, and had credit at court, procured continuatioun and drifting, till custome had corroborated corruptioun, and moyen were made even among the ministrie, for their advancement and standing betuixt them and Christ by it, when he sould call them to a compt.

In end, some petitiouns were agreed upon, to be directed to the king by his Hienesse' commissioner, who promised fidelitie in that behalfe: 1. Craving a Generall Assemblie might be keeped without his Majestie's offence, according to the act of parliament, and custome of our kirk. 2. That order might be taikin with the Papists and contemners of the kirk's discipline and censures. 3. That the godlie and faithfull brethrein in England persecuted by the bishops might find favour with his Majestie, and be tolerated in their offices and livings. To the which, the court clawbackes oppouned profanelie and ridiculouslie, till they were dashed and putt to silence by the good brethrein. 4. Anent the platt and helping of brethrein who had beene greatlie hurt at the last modificatioun, namelie, in the pryourie of St Andrewes.

MEETING OF COMMISSIONERS FOR THE UNIOUN.

About the beginning of October, the Scotish commissioners tooke their journey towards England, and there conferred upon sindrie maters which concerned the Unioun. Some gott rewards, some none. They agreed upon a forme to please the king; but it was not solide and sure, and therefore little effect followed therupon. Upon the Lord's day, the 15th of December, Mr Johne Spotswod, bishop of Glasgow, returning from court, road out of Hadintoun, when the people were going to the fore noone sermoun.

M.DC.V.

OFFICERS OF ESTAT CHANGED.

The Erle of Montrose, and Alexander Setoun, President of the Sessioun, being in England, as commissioners for the Unioun with the rest, the Erle of Montrose was urged to dimitt the chancellarie to the president. In recompence for his dimissioun, he was made the king's commissioner, when great occasiouns required. Mr James Elphinstoun, secretare, was made president, and reteaned neverthelesse the office of secretare.

PROCESSE OF EXCOMMUNICATION AGAINST HUNTLIE STAYED.

In the moneth of Februar, Mr Charles Fairholme and Mr Johne Forbesse compeared before the counsell against the Erle of Huntlie, to justifie their processe of excommunicatioun against him. Upon the promise of his offers to be made to the synod of Aberdeene, the mater was differed. The Lord Newbottle being vice-chancellor for the tyme, produced a vile letter directed from Lawrestoun to the counsell, for letters of horning, wairding, banishing the brethrein of the North, if they would not desist from their proceeding against the Marquesse, so reasonable a man. The Erle did nothing but mocke the brethrein, making his offers he would not subscribe himself, but bade his man subscribe for him. And yitt the Secreit Counsell discharged the brethrein to proceed against him.

THE COMMISSIONERS PRONOUNCE SENTENCE AGAINST MR R. BRUCE.

Mr Robert Bruce, the yeere of the king's departure out of the countrie, gott peace and rest. But the yeere following, he was threatned of new for the mater of Gowrie, to be deprived of life, living, and stipend. He was verie farre cast doun, whill he was ryding to Stirline, to fetche the Erle of Cassils to his hous. It

pleased the Lord that night to give him a confortable visioun in his sleep. He recommended his cace to God, and so fell a sleepe. He saw great difficulteis presented to him, and it behoved him ather to passe through them, or to dee by the way. At the last, he resolved to hazard in God's obedience; and whill he was passing through, he feeleth a motioun in his heart, moving him to say, "In and through Michael, the captan of the Lord of Hoasts, I sall prevaile: O Michael, Michael! who is like the strong God?" Mr Robert was greatlie conforted with this, and putt it in writt when he awaked. This yeere, the commissioners of the Generall Assemblie directed summouns, wairning him to compeere at Edinburgh, the 27th of Februar, to see and heare himself removed from his functioun in Edinburgh. He compeered before them, and tooke Mr Thomas Gray with him; but none gott accesse but himself. After long reasoning, they removed him. He appealed from their sentence. They inhibited him to preache therafter. He obeyed not. The Laird of Lawrestoun, commissioner, had commissioun from the king to see the sentence of removall pronounced against him.

CHANCELLER SETON RETURNETH FROM COURT.

The last of Februar, the chanceller, who before was president, came to Edinburgh out of England, convoyed with manie people of all rankes. No subject was seene before to come accompanied to Edinburgh after the maner.

MR J. FORBESSE SENT TO THE KING.

In the moneth of Marche, Mr Johne Forbesse went in commissioun from the brethrein of the North, by advice of the counsell, to the king; was weill accepted, and sent backe with diligence, with letters and credit against the Erle of Huntlie, and all other Papists; and with certificatioun of the king's constancie in that religioun he was brought up in. And as for the order of our kirk, that he was

not minded to alter anie thing therin; but his will and pleasure was we sould keepe the acts of parliament, and constitutiouns of our Generall Assembleis, namelie, these wherat his Majestie was present. He commanded Mr Johne to certifie the brethrein, that this was his minde. But the effects soone after bewrayed what was in his minde indeid.

THE SYNOD OF FIFE.

Upon the last of Aprile, the synod of Fife held in Bruntiland. Mr William Scot, moderator, taught powerfullie against the corruptiouns entered in our kirk. Mr James Melvill wrote to this synod as followeth:—

MR JAMES MELVILL'S LETTER TO THE SYNOD OF FIFE.

Gal. v. 1.—"*Stand fast in the libertie wherewith Christ has made us free, and be not entangled again with the yoke of boundage.*"

"BRETHREIN,—Albeit my excuse be notorious, yitt I would keepe order, excusing my absence by writt, which I could not send emptie, but to supplee my absence as possible. So these are the points I thinke of, not doubting but yee are about the same in your consideratioun, even farther nor I can be.

"First, I would have publict thanksgiving to God in this Assemblie, and all our congregatiouns, by directioun therefra, that in this treatie of unioun, and otherwise, the king our soverane has declared his minde, not to alter the order and governement of our kirk left established by his Majestie, both in his Hienesse' parliaments and our Generall Assembleis; lyke as of late, his Majestie has willed our brother, Mr Johne Forbesse, minister at Afurd, to show us that his Hienesse' will is, that we keepe the acts of parliament, and constitutiouns of the Assembleis where his Majestie was present; for the which, lett us be instant in prayer to God for his Majestie's

preservatioun both in publict and privat, with most loving and thankfull hearts.

"Nixt, we have to take heed, least these politick bishops breake the cancells of our cautiouns, and encroache upon the freedome of our ministrie: for they that are accustomed with lordships, honour, and ruling in policie, will thinke them contemned, if they be not respected among the brethrein also. And unlesse hand be holdin thereto in commoun, the good brethrein that keepe the lawfull and humble brotherlie forme with them will be remembred, and find it in their dish at court, platt, sessioun, &c.

"Thridlie, I would we were wairned and stirred up to know better and better the warrants of our governement and discipline, out of the Word of God, to be enarmed against the day of our tryell, where-under our nighbours in England are; and to be carefull to practise all the parts of our dueteis, so long as we have occasioun in our Assembleis, presbytereis, congregatiouns, and concerning our owne famileis and persons in particular. And I beseeke you, deere brethrein, lett it be leasome to me, without offence, and for amendiment, to use the words of one of the Ancients, used by our Calvine against the papisticall hierarchie: 'Flens dico, gemens denuncio, quia cum sacerdotalis ordo intus cecidit, foris diu stare non potest. Quin, potius impleri in illis oportuit, quod de talibus ait Malachias: Vos reressistis de via, et offendere fecistis in lege plurimos. Itaque, irritum fecistis pactum Levi, dicit Dominus. Propterea, ecce, ego vos dedi contemptibiles omni populo.'

"Fourthlie, I would wishe you to take to heart the negligent slipping of the last day appointed for the Generall Assemblie that sould have beene holdin at Aberdeen, for the which we had all kinde of warrants; God's Word, our owne constitutiouns, the lawes of the realme, the king's consent, and the appointment of the last Assemblie; and nothing in the contrarie, but I wote not what privat alledged article; that this nixt be not slipped siclyke, appointed by the commissioners' bill, to the first day of Julie nixtocum. And so, by beastlie negligence, we losse all our kirk

governement, and become a subject of God's wrathe, and shame to the world.

"Fyftlie, forgett not the estat of our persecuted brethrein in England, but recommend them to God in prayer, and discharge whatsoever duetie of mercie and charitie required, according to power; becaus they have the caus of the sinceritie of the Gospell, and libertie of Christ Jesus' kingdom commoun with us, and we wote not when we will be putt at our selves. As we would then wish to have confort, lett us minister it now, when there is need.

"Sixtlie, take order, that the collectioun for Geneva be made in the other two presbytereis, as in St Andrewes and Cowper, and how it may be imployed convenientlie for the use appointed.

"Seventhlie and last, being encouraged by the blessing of God upon your travells for the ministrie of Cowper and Dysert, goe fordward, and leave not off, till Kirkaldie and Kingorne be helped also.

"Now, the God of all spirits be with your spirits, for the glorie of his Christ, by the working of that Spirit which proceeds from them; to the which be all praise, honour and glorie, for ever. Amen."

The king's commissioner, the Laird of Lawrestoun, was present, and promised to deale earnestlie with the king, for license to keepe the nixt ensuing Generall Assemblie.

A CONVENTION.

A conventioun of the nobilitie was holdin at Edinburgh in Junie. Manie things were to be propouned, but stayed, because of the frequent number of noblemen whose oppositioun was feared.

MR R. BRUCE FORBIDDIN TO PREACHE.

In the moneth of Julie, Chanceller Setoun sent for Mr Robert Bruce, advertised him that he had gottin command from the king to discharge him from teaching; yitt, he said, he would not use

his authoritie, but would requeist him to desist for nyne or ten dayes, that he may gett a new answere from court. Mr Robert thought the mater so meane, and the tyme so short, that he condescended. But that night, his unadvised answere mett him, and in his sleepe the Lord wakenned his conscience, and made his conscience accuse him, and cry out against him, after this maner: "How durst yee make a promise? Who gave thee power to make a promise? Sould yee not have advised with my mouth, and have had my warrant?" He confessed his fault, and craved mercie; yitt the trouble of his minde continued and increassed, so that it cast his bodie in a fever, and made him to vomite. Yitt in the morning it pleased God to releeve him; for he promised faithfullie never to obey that commandement anie more. Als soone as he went home, that same verie weeke he preached in the wood-side, and in presence of the Lord Elphinstoun and his ladie, in the gairdin; for the Lord had visited him with the pest.

THE ASSEMBLIE OF ABERDEEN INDICTED.

The great commissioner, Lawriestoun, with the commissioners of the Generall Assemblie, had writtin to all the presbytereis for keeping of a Generall Assemblie at Aberdeen, the secund of Julie. The missives directed to the presbytereis, subscribed by Richard Thomsone, clerk to the commissioners of the Generall Assemblie, differed in the day. In the missives directed to the North was appointed the secund day of Julie; in the missives directed to the South the fyft day. This was done of purpose, that the brethrein sould not meete together; therefore, some came the secund day, some the fyft day. Their proceedings may be gathered out of this note following:—

MR J. FORBESSE CHOSIN MODERATOR.

"At Aberdeene, the secund day of Julie, 1605.

"The which day, diverse and sindrie brethrein, from sindrie and

diverse places and provinces of the land, instructed with sufficient commissiouns from their presbytereis, to reason, vote, and conclude in the Generall Assemblie, appointed by his Majestie's commissioner, and commissioners of the Generall Assemblie, with continuatioun, directed from Perth the 4th of Julie, the yeere of God 1604, subscribed by his Majestie's commissioner, the Laird of Lawrestoun, and Mr Patrik Galloway, moderator of the last Generall Assemblie holdin at Halyrudhous, and Richard Thomsone, as clerk to the commissioners, to be and beginne at Aberdeen, the first Tuisday of Julie, 1605 yeeres, if by sooner advertisement it can not being lawfullie assembled upon the said warrant and directioun, according to the warrant of the Word of God, lawes of the countrie, and continuall custome of the Kirk of God therin: after incalling of the name of God by Mr David Rait, in absence of the last moderator, Mr Patrik Galloway, Mrs Robert Durie, Johne Monro, Johne Forbesse, being putt on leit, Mr Johne Forbesse, with uniforme consent of the whole brethrein, was chosin moderator, his Majestie's commissioner, the Laird of Lawrestoun, having first nominated the said Mr Johne to be mouth to the rest; and Mr Johne Schairp, in absence of Mr Thomas Nicolsone, with consent of the whole brethrein, was nominated and chosin clerk."

The same day, his Majestie's commissioner having first, by word, declared the desire of his Majestie's Secreit Counsell, tuiching the said meeting, did give in a letter directed from the said lords of his Majestie's counsell, to the brethrein of the said ministers conveenned at the said Assemblie, the tenor and contents wherof followeth:—

THE COUNSELL'S LETTER TO THE BRETHREIN CONVEENNED AT ABERDEEN.

"TRUST FREINDS,—After our heartilie salutatiouns: Hearing that yee have appointed an Assemblie to be holdin and keeped there at Aberdeen, in the moneth of Julie nixtocum, whereby the king's Majestie may take some occasioun of offence against

you, seing nather has his Majestie beene made privie to your resolutioun, nor yitt has his Hienesse' consent and allowance beene sought and obteaned to that effect, according to the law and custome inviolablie observed these manie yeeres bygane: We have therefore thought meete heereby to advertise you, to consider this mater as apperteaneth, and wiselie to foresee what prejudice suche rash and unadvised proceedings may draw upon your estat. For we are perswaded, if yee proceed to the holding of the Assemblie, without his Majestie's approbatioun and allowance, that his Hienesse will verie hardlie digest that mater, and will accompt the same as a contempt tuiching his Majestie in a high degree. And, therefore, it is our will and pleasure, and we thinke it meete and expedient for your owne weale, the peace of the kirk, and for interteaning and cherishing that Christian harmonie which sould be betuixt his Majestie and you, that yee dissolve your selves, repaire everie one to his owne hous and calling, and suffer this meeting to desert; and before yee appoint anie new meeting or Assemblie, that yee acquaint his Majestie therewith, whereby, as yee sall testifie your obedience and conformitie to his Majestie's will and his lawes, so, we doubt not, but his Majestie, upon your owne sute and supplicatioun, will in reasoun give you contentment and satisfactioun heerin. We have at greater lenth communicated our mindes in this mater to the Laird of Lawrestoun, one of his Majestie's Privie Counsell, who will at lenth impart the same to you. And so we committ you to God. From Edinburgh, the 20th of Junie 1605.

" Your good freinds,

(*Sic subscribitur*) " MONTROSE, Commissioner.
" ALEXANDER, Cancellarius.
" BLANTYRE, Secretar.
" PRESTOUN.
" COCKBURNE."

THE ASSEMBLIE CONTINUED TILL SEPTEMBER.

Which letters, and desire therin conteaned, with the sute and desire of his Majestie's commissioner agreing thereto, being rypelie considered by the said Assemblie; and having weyghed the weightinesse of the effaires necessarie to be intreated, and rarenesse of their owne number, diverse of the commissioners being stayed by the tempest of weather; and willing then, as at all tymes, to witnesse their willingnesse to satisfie his Majestie and Lords of the Secreit Counsell, in all their reasonable desires, so farre furth as might stand with the Word of God, and testimonie of a good conscience, thought meete and expedient to continue the treating of the effaires perteaning to the said Assemblie to the last Tuisday of September following, and to dissolve for the present, according to the sute and desire of the letter foresaid; and ordeans intimatioun and wairning to be made to all the presbytereis within the land, to choose their commissioners, and to send them, authorized with power, to the said Assemblie to be holdin at Aberdeene, the last Tuisday of September nixtocum, *anno* 1605. After the which ordinance, his Majestie's commissioner made protestatioun, that from the beginning, he did not acknowledge the present meeting for a lawfull Assemblie, in respect of the absence of the last moderator, and clerk ordinar. The moderator, in name of the brethrein, protested again, that the said meeting was, and behoved to be, a lawfull Assemblie, in respect of the warrant of their meeting the said day before specified, the directioun of the Word of God, the lawes of the land, and continuall custome of the kirk. Which being done, the said commissioner caused charge the brethrein there assembled to suffer the said Assemblie to desert, under the paine of horning, by Johne Wishart, messinger; who delivered a subscribed copie of the said charge to the moderator, in name of the whole, the tenour wherof followeth:—

THE KING'S CHARGE TO DISSOLVE THE ASSEMBLIE.

"JAMES, by the grace of God, &c. Forasmuche as albeit we have signified our will and pleasure, that we can not be resolved anent the Generall Assemblie before the approaching parliament, and the parliament being ended, that we will have occasioun to direct the most expedient in that mater for the weale of the kirk; neverthelesse, we and the Lords of our Secréit Counsell are informed, that in this meane tyme, there is a generall conventioun and assemblie of the ministrie appointed to be holdin at our burgh of Aberdeen, in the moneth of Julie nixtocum, whereat a number of the ministrie of this our realme intends to be present, we being no wise acquainted, nor made foreseene therof, nor yitt our consent and allowance being had and obteaned to that effect, according to the lawes, acts, and constitutiouns made theranent, and to the custome observed heerin these manie yeeres bygane; whereby our directiouns and commandements in this mater will be violated, highlie to the offence and contempt of us, our authoritie, and lawes. Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe, and in our name and authoritie, command and charge the whole ministrie who sall happin to conveene to the said Assemblie personallie, if they can be apprehended, and failing therof, by opin proclamatioun at the Mercat Croce of Aberdeene, that they suffer the said Assemblie to desert, repaire everie one to his owne dwelling and charge; and that they in no wise presume nor take upon hand to conveene and assemble themselves together in anie place, for keeping of the said Assemblie, under the paine of rebellioun, and putting of them to our horne; with certificatioun and they failyie, they sall be denounced rebells, and putt to our horne. As also, that yee command and charge the proveist and bailliffes of our said burgh of Aberdeen, that they suffer no suche Assemblie, conventioun, or meeting of the ministrie, to be keeped within their toun, as the said proveist and bailliffes will answere to us and our

Secreit Counsell, upon their duetifull discharge of their office. The which to doe," &c.

THE ASSEMBLIE DISSOLVETH.

Which being read and considered, the said moderator, at command of the brethrein, tooke document and note in the hand of the said Johne Wishart, being a notar-publict, that they were readie instantlie to obey the tenour of the said charge. The said Johne refusing the benefite of his office in that part, the moderator, with the rest of the brethrein, after incalling of the name of God, dissolved, and departed out of the kirk, for obedience to his Majestie's charge; and the said moderator, with the remanent brethrein, past immediatlie to the commoun clerk's chamber of the said burgh, and there tooke documents in the hands of Mr Thomas Mollesone, commoun clerk, the tenour wherof followeth:—

DOCUMENTS TAIKIN OF OBEDIENCE TO THE CHARGE.

"At Aberdeene, the secund day of Julie, the yeere of God 1605, in the commoun clerk's writting chamber of the burgh of Aberdeene, at halfe houre to five, after noone, or thereby, in presence of us, connotars and witnesses underwrittin, compeered personallie the commissioners of the ministrie of this realme after following:—They are to say, Mr Robert Durie, minister at Anstruther, Mr Andrew Duncan, minister at Carraill, Mr Johne Schairp, minister at Kilmenie, Mr Alexander Strauchane, minister at Creich, Mr Johne Forbesse, minister at Afurde, Mr William Forbesse, minister at Kinbethocke, Mr James Irwing, minister at Tuiche, Mr Robert Youngsone, minister at Clatt, Mr Robert Reid, minister at Bancherie-Trinitie, Mr Charles Farholme, minister at Fraserburgh, Mr William Davidsone, minister at Rathen, Mr David Robertsone, minister at Rugley, Mr Johne Munro, minister at Tane, Mr Archibald Blekburne, minister at Aberdeene, Mr James Rosse, minister there, and Johne Rough, minister at Nige;

and alledged, that they being conveenned in the sessioun-hous of the kirk of this burgh of Aberdeene, this day, as at the appointed day and place for holding the Generall Assemblie of the ministrie of this realme, they were charged by Johne Wishart, messinger, by vertue of his Majestie's letters givin by act of his Hienesse' Secreit Counsell, of the date, at Edinburgh, the 20th day of Junie last bypast, within the space of a quarter of an houre since, that they sould suffer their Assemblie to desert, repaire everie one of them to their owne dwelling and charge, and that they on no wise presume, nor take upon hand to conveene nor assemble themselves in anie place, for keeping of the said Assemblie, under the paine of horning; as the copie of the said letters, which they shew to us, connoters and witnesses underwrittin, subscribed, as appeared, by the said Johne Wishart, messinger, proports; and that for obedience to the command and charge of the said letters, they instantlie after the giving of the said charge dissolved without anie farther actioun, and came immediatlie furth of the said sessioun-hous and kirk, to the said commoun clerk's chamber, at the west end of the Tolbuith of the said burgh, as to the most publict place, to take notes and instruments of their obedience to the command and charge of the said letters, and dissolving of the said Assemblie, in the hands of us connoters undersubscrybing; and heerupon, they craved and tooke instruments, day, moneth, houre, yeere, and place foresaids, before these witnesses, Alexander Forbesse of Fingask, David Ronaldsone, Johne Tullidaff, Mathew Donaldsone; Johne Kemp, baker, Alexander Thomsone, skinner, burgesses of Aberdeen; Mr George Spence, servitour to the said Mr Johne Forbesse, and Thomas Forbesse, sonne to Thomas Forbesse, elder, burgesse of Aberdeene.

(*Sic subscribitur*)

"*Ita est Magister* THOMAS MOLLESONUS, *scriba communis de Aberdeen.*

"*Ita est* WALTERUS ROBERTSONE, *scriba substitutus burgi de Aberdeen.*

"Mr JOHNE SCHAIRP, *Clerk to the Assemblie.*"

MR J. FORBESSE AND MR J. WELSH WAIRDED.

Upon the Fryday therafter came a number of commissioners from presbytereis of diverse provinces, viz., from Carict, Kyle, Cuninghame, Merce, Lothiane, Stratherne. They were partlie hindered by spaits of waters, partlie deceaved by the commissioners' missives sent to their presbyteries, that they keeped not the secund day of the moneth. When they understood and considered the doing of the former brethrein, they approved the same, and directed with diligence their proceedings to the Secreit Counsell. The king's commissioner, Lawrestoun, whether moved by the spirit of lees, or politicklie intysed and corrupted, to take occasioun of this accident to undoe the Generall Assembleis, and whole libertie of the kirk, God knowes; but certanelie, he reported a great lee, to witt, that he had discharged the meeting of these ministers, by opin proclamatioun at the Mercat Croce of Aberdeene, the day before they assembled; and notwithstanding therof, in manifest contempt of the king's authoritie, they keeped the Assemblie. He was not able to produce one man in all Aberdeene to verifie this lee; yitt, neverthelesse, the counsell ordeans that all these brethrein sall be denounced rebells, and putt to the horne. But perceaving that that would want the ground of lawfull charging, and hearing that Mr Johne Forbesse and Mr Johne Welshe were in Edinburgh, they wairned them by a macer to compeere before the counsell; and after some interrogatiouns, shew them the king's will was they sould enter in waird in the Castell of Blacknesse, till his Majestie sent his nixt directioun. The counsell was conveenned betuixt six and seven in the morning, to eshew the oppositioun of the nobilitie; who meeting at the ordinarie houre of counsell, reasouned honestlie for the brethrein. Now, that which is most to be lamented, there were certane of the ministrie present, with the few court counsellers, who consented to the wairding of their brethrein, viz., Mr Patrik Galloway, Mr Johne Hall, and James Nicolsone. And so, Mr Johne Forbesse, moderator, and

Mr Johne Welshe, after they had beene a night in the Castell of Edinburgh, were transported to the dungeoun of Blacknesse, on Fryday the 27th of Julie. None were suffered to enter with them, or come neere them.

THE REST CHARGED.

Copie of the Letters wherewith the rest were charged.

"JAMES, by the grace of God, King of, &c. Our will is, and we straitlie charge you and command, that incontinent thir our letters seene, yee passe, and in our name and authoritie command and charge Mr Robert Durie, minister at Anstruther, Mr Johne Schairp, minister at Kilmenie, Mr Andrew Duncan, minister at Carraill, Mr Alexander Strauchane, minister at Creich, &c., to compeere personallie before the Lords of Secreit Counsell at Edinburgh, or where it sall happin to be for the tyme, upon the first day of August nixtocum, to answere to suche things as sall be demanded of them, and layed to their charge, tuiching the lawfull Assemblie holdin at Aberdeene in the moneth of Julie instant; and what was their behaviour in that Assemblie, what has beene directed, proceeded, and followed therupon sensyne; and to underly suche order as sall be tane theranent, under the paine of rebellioun and putting of them to our horne. With certificatioun, &c. At Edinburgh, the 16th of Julie."

OTHER MINISTERS WAIRDED IN BLACKNESSE.

They compeered, stood honestlie to their proceedings, and were caried incontinent to Blacknesse. Within two dayes the pest brake up in Edinburgh, Leith, St Andrewes, and other parts. The chanceller's hous was infected; his eldest sonne, and his brother daughter, a young damsell, died. A byle brake furth on his owne daughter. He was forced to dissolve his familie. He was beaten by the curse pronounced by Josuah upon the builders of Jericho. Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Strauchane, Mr Johne Schairp, after they presented themselves to

the counsell, were wairded in Blacknesse, with Mr Johne Forbesse and Mr Johne Welshe. The brethrein of the North, all save Mr Johne Forbesse, were denounced to the horne.

THE HOLDING OF THE NIXT ASSEMBLIE DISCHARGED.

Upon the 25th of Julie, there was published a proclamatioun, that a few ministers, not content to continue in the good order wherin the kirk had floorished manie yeeres, had of late, in a manifest contempt and misregard of the king, conveenned themselves at Aberdeen, and there holdin an Assemblie, and appointed a new Assemblie to be holdin the last Tuisday of September nixtocum, without anie lawfull warrant, power, or commissioun for that effect: Therefore, commanding, charging, and inhibiting the proveist and bailliffes of Aberdeene, and of all other burghes and villages, that they suffer no minister to come within their bounds for that effect the said day, nor eight dayes before nor after. And siclyke, all noblemen, barons, and gentlemen, presbytereis and sessiouns, magistrats, inhabitants of touns, burrows, and villages, that they direct no commissioners, nor repaire themselves therunto, under paine of convocatioun of the king's leiges and horning, etc.

In the first part of this proclamatioun, the king professeth he had givin so manie prooffes and testimoneis of his sinceritie in the true and Christiane religioun, wherin he was trained up, and wherof he had made a constant professioun during the whole course of his life; and had authorized the professors of the said religioun, and ministers therof, with manie favourable acts and constitutiouns, als weill for the maintenance of the discipline, as for repressing and extinguishing all contrarie professioun, so that everie weill affected subject, of whatsomever degree or calling, but speciallie these of the ministrie, have most just caus to expect assuredlie, that that stedfast course will be still keeped by him, which is alwayes meetest for the glorie of God, and continuance of the peace and quietnesse of the kirk.

This was to take away all suspicioun of anie intended alteratioun in the kirk.

Upon the eight day of August, immediatly therafter, was published another proclamation, the tenour wherof followeth:—

A CHARGE INHIBITING THE APPROBATION OF THE ASSEMBLIE AT ABERDEEN.

"JAMES, etc. Forasmuche as we, by a speciall article signetted with our owne hand, and sent home with the Laird of Laurestoun, our commissioner, signified our will and pleasure, that we, for manie causes, could not be resolved anent the tyme of the Generall Assemblie, before the approaching parliament; and that in vertue of the said warrant, the commissioners of the Generall Assemblie, according to our pleasure, acquainted the presbytereis of our realme with our commandement in that mater, and willed and desired them to forbeare all conveening, meeting, or keeping of the said Assemblie: neverthelesse, a verie few number of the ministrie, led with the spirit of disobedience and contempt of all lawfull authoritie, most unlawfullie and contemptouslie conveened themselves within our burgh of Aberdeen, upon the secund day of Julie last; and misregarding the former discharge givin to their presbytereis, the letters of horning executed against themselves, with our counsell's missive letter delivered to them by our said commissioner, they proceeded to the holding of an Assemblie in suche forme, as nather the absence of the best of the ministrie, who would attempt nothing might be offensive to us, or prejudiciall to the authoritie of a lawfull and solemne meeting of an assemblie, nor the disassenting of our commissioner, that anie thing sould be done therin, could make them to dissolve, whill first they had made electioun of their moderator, and appointed a new day to their nixt Assemblie. And they knowing, that their inordinat meeting, which was assisted with so few a number of the ministrie, and that of the most ignorant and least accompt, could not have the ground and warrant of a lawfull Assemblie, and that there could not be anie law, practick, or custome of anie other reformed kirks in Europe, to justifie and approve their doings; lyke as, the

whole commissioners of the Generall Assemblie having assembled themselves therafter, and after due consideratioun of their foolish proceeding, having found the same to be no lawfull Assemblie, and alluterlie disallowed the same; the said ministers therof, in farther disdaine and contempt of us, our counsell, and commissioner, have continuallie sensyne busied themselves in solisting and procuring the approbatioun, consent, and allowance of the whole presbytereis of our realme, to their insolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a commoun caus of the kirk, and by solisting suche unlawfull approbatioun of the presbytereis, to pervert the whole order of our Generall Assembleis, wherin not onlie the personall presence of the whole or most part of the commissioners of the presbytereis of our realme is alwayes necessarie, and without the which there can not be an Assemblie, but our owne consent, or consent of our commissioner, being present, which is altogether requisit. And so, as they beganne with contempt of us, and breake of our lawes, even so their unlawfull course, and progresse of their proceedings, tend to nothing but to heape contempt upon contempt, and will produce farther inconveniences, without remeed be provided.

"Our will is heerefore, and we charge you straitlie and command, that incontinent thir our letters seene, yee passe, and in our name and authoritie command, charge, and inhibite all and sindrie synods, presbytereis, and sessiouns of kirks, and ministers within our realme, by opin proclamatioun at the mercat-croces of the heid burrows of our realme, and other places needfull, that none of them presume or take upon hand, privatlie or publictlie, in their sessiouns or meetings, nor in their conference, sermouns, nor no other maner of way, to authorize, approve, justifie, or allow the said unlawfull meeting and assemblie at Aberdeen; nather yitt to make anie act therupon, nor to doe anie other thing in privat or publict, which may seeme to countenance the said unlawfull assemblie, under the paine to be reputed, holdin, esteemed, and persued as guiltie of this unlawfull meeting, and to be punished therefore with all rigour. And, siclyke, that yee command and charge all and sindrie noble-

men, barons, and gentlemen, magistrats, and all other our lieges, who sall happin to be present, and heare anie ministers in publict or privat conferences and speeches, or in their sermouns, to approve and allow the said unlawfull Assemblie, raile, or utter anie speeches against our royall commandements, or proceedings of our counsell, for punishing and suppressing so haynous enormiteis, that they make relatioun and report therof to our counsell, and furnishe probatioun, to the effect the same may be condignelie punished; as they will answere to our counsell therupon. Certefeing them who sall heare, and conceale the said speeches, they sall be esteemed as allowers of the same, and sall be tane order with, and punished therefore, without favour. The which to doe, etc.

"Givin at Edinburgh, the eight day of August, 1605."

MR R. BRUCE WAIRDED IN INNERNESSE.

Upon the 18th of August Mr R. Bruce was charged to waird in Innernesse, within ten dayes, under the paine of horning. The alledged causes were, his apprehending a most sinistrous distrust and opinioun of the king's sinceritie in the treasoun of Gowrie, his avowall and utterance of his distrust in publict and privat meetings, drawing the simple to his opinioun; no processe of tyme can frame his minde to the truthe; he interteans a frequent resort of the ministrie and people, and in all their meetings medleth with the effaires of the king and estate, censuring the doings of ministers, fostering thereby factiouns and divisiouns in the kirk, privat grudges and miscontentments against the present governement.

At the same tyme, Mr Henrie Blyth was sent to Blacknesse. He was delated to have allowed the Assemblie of Aberdeene, and condemned the proceedings of the counsell, when as he did nothing, but requeisted the lords to try the brethrein according to law, and not to use them straitlie before they were tryed.

Upon the 27th of August, Mr Robert Bruce entered in Innernesse, and tooke instruments of his entrie; where he remained foure

yeere, teaching everie Sabboth before noone, and everie Wednisday, and read the prayers everie other night at even.

THE WAIRDED BRETHREIN CITED BEFORE THE COUNSELL.

Sindrie of the brethrein were charged before the counsell, and were sent backe to waird, some to Blacknesse, to witt, Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Strauchane, Mr Johne Schairp, Mr William Forbesse, Johne Rosse, Mr Nathan Inglis, Mr James Greg; in Stirline, Mr Charles Farholme; Mr Johne Monro, in the Castell of Downe. Some were remitted home again, to witt, Mr Archibald Blekburne, and Mr Robert Youngsone, becaus they were moved through entisement to say, that if they had knowne all things as they doe now, they would not have keeped that Assemblie. Mr Thomas Abernethie stood to his deid. But being removed, and understanding that he was to be charged to Innernesse, desired to be heard; and so, within a quarter of an houre, recanted, confessed his fault, and so was suffered to goe home. Mr Robert Youngsone repented of his yeelding, and came soone after to the counsell at Edinburgh, and (the whole brethrein in Blacknesse and Stirline being brought before them, to keepe that day, none would confesse anie offence, but were sharpe with the counsell for handling them so severelie; and finding no favour, behoved to declyne them as judges) he declared to the lords, that he was troubled in his conscience since the last answere he gave them in St Johnstoun, and professed he did no offence in keeping that meeting at Aberdeen. Wherupon he was ordeaned to be wairded in Stirline, with the rest that were to goe thither again.

In August, the brethrein committed to waird, being cited to compeere before the counsell, sent to some ministers of Fife Mr James Melvill, etc., to crave their advice how to answere certane frivolous interrogatoreis, which they did. They were again committed to waird in Blacknesse, and ordeaned to compeere before the counsell in October, at Perth, whither Mr James sent the apologie which he penned to them:—

CERTANE INTERROGATOURS PRESENTED AND OFFERED BY THE LORDS OF HIS MAJESTIE'S HONOURABLE PRIVIE COUNSELL, TO BE ANSWERED AND RESOLVED BY THE BRETHREIN IN WAIRD, TRANSPORTED THEREFRA TO PERTH, WHERE THEY SATT FOR THE TYME.

1. "What is a Generall Assemblie?

2. "Whether in our kirk, at anie tyme in our kingdom, there may be a Generall Assemblie?

3. "Whether is it not requisit, at suche publict assembleis, there be some commissioners, at the least out of everie diocie of the kingdome?

4. "What number of brethrein are the fewest that are required to suche an Assemblie?

5. "Whether anie comming there without commissioun may be accepted of the number of the assembled brethrein?

6. "Whether has it beene an usuall forme in their Assembleis, that the moderator of the present Assemblie, after a sermoun made by him, did then give over his charge, untill which tyme he ever continued moderator; and, if sickenesse impeded him, he then discharged himself by writt therof?

7. "Whether Mr Johne Forbesse doeth continue moderator, and must he not discharge himself at their nixt meeting? And if so, upon what occasioun did they proceed, without the presence of the moderator of the last preceding Assemblie?

8. "If he is absent without lawfull excuse, wherefore did they not censure him?

9. "If there had beene in some other parts of the countrie the meeting of als manie ministers at the same tyme, which of the two meetings sould have beene accompted the Generall Assemblie?

10. "Whether may the place of meeting appointed in a former Generall Assemblie be altered; and by whose directioun?

11. "For what causes was Lauristoun, being the king's commissioner, removed at their consultatioun, who, by his office, sould

at all tymes ever have beene present at all their proceedings; and without whose presence there could be no lawfull Assemblie?

12. "Why were they not removed that were upon the leits to be moderator, which was an usuall and allowed forme ever heeretofore in suche lyke causes?

13. "Whether may an Assemblie be holdin without a lawfull clerk admitted; and incace of his sickenesse, or just caus of his absence, by his substituts?

14. "Whether may a clerk, admitted during his life, be dispossessed by a new Assemblie, without sufficient caus of deprivatioun, and preceeding cognitioun?

15. "Whether may a clerk serve in that office before he give his oath?

16. "Whether did this new clerk give anie oath who was clerk at the giving of it, or what record was made of it?

17. "Whether doe they thinke, that the presence of two persons onlie, for all the bounds lying on the south side of Forth, beside stewartreis and baillifreis, and being almost the halfe of the whole kingdom, was sufficient eneugh to make a lawfull Assemblie?

18. "Whether may a new Assemblie, conveening by his Majestie's warrant, and the lawfull and ordinar clerk, dispute and condemne all their proceedings at Aberdeene?"

A SHORT ANSWERE TO THE INTERROGATOURS.

"The interrogatours are of two sorts: Some of them are thetick, some hypothetick. Concerning our owne fact, unto neither of them are we holdin to answere at this tyme, and in this place, for these reasouns following:—

1. "Becaus, as we understand, there is no law binding us so to doe.

2. "It is contrarie to a protestatioun made by the kirk, in a Generall Assemblie at Perth, 4 Martij 1596, admitted by his Majestie, as the register of our Assembleis beares, wherein it is speciallie provided, that mater propouned must be reasoned, voted, and

concluded, according to the Word of God and good conscience, in the ordinarie place of the Assemblie.

3. "Becaus it is agreed upon, in decisioun of his Majestie's questiouns propouned in that same Assemblie, that doubts sould be propouned *decenter*, in right tyme and place, *animo ædificandi, et non tentandi.* Which act we crave to be keeped.

4. "Questiouns concerning the whole kirk sould not be answered by particular persons having no lawfull calling by the generall kirk thereto, least they sould erre, and prejudge the libertie givin by Christ to his kirk. And some of these are alreadie decided by the acts of the Generall Assemblie.

5. "Albeit they were propouned, as said is, and we had a calling to answere, yitt we have not had sufficient space, nor occasioun of meanes, to be sufficientlie advised and resolved, in maters of suche weight.

6. "Lastlie, we are readie, and heere we offer, as members of the bodie conjunctlie in a Generall Assemblie, to give answere to all these questiouns; and submitt ourselves, and our whole proceedings in our late Assemblie, to the Word of God and constitutions of the kirk.

"As to the hypothetick interrogatours, the tyme would not suffer us to answere them at this tyme; but we sall doe it with all expeditioun, in the full declaratioun of the truth of our whole proceedings, whereby not onlie hope we, but weill are assured, that we sall fullie satisfie his Majestie tuiching all these slanders wherewith we are charged."

THE ABBOT OF NEWABBEY WAIRDED.

About the end of August, the Abbot of Newabbey was taikin about Newabbey, by the Lord Cranstoun, not without perrell from the country people, who rose to rescue him out of his hands. He was sent first to Blacknesse, and, after two or three days, was transported to the Castell of Edinburgh, where he was interteaned upon the king's expences till his departure out of the countrie.

THE PROCEEDINGS OF THE SYNOD OF FIFE.

Becaus the Generall Assemblie was appointed to be holdin in September, the Synod of Fife was conveened in Dunfermline the secund of September. But the brethrein resorting thither were not permitted to enter the toun. Chanceller Setoun being within, gave commandement to the Laird of Pitfirrane, proveist, to that effect. The brethrein went to Innerkeithing. First, they found it necessar to have a Generall Assemblie without delay: nixt, becaus that at their last Synod they directed their commissioners to the Assemblie at Aberdeene, who had reported their diligence in assisting the commissioners of other presbytereis in fencing the Assemblie to the last Tuisday of September instant, and the presbytereis had allowed their diligence. Therefore, the Synods find it necessar to keepe the possessioun of the Generall Assembleis safe and free, which otherwise might be interrupted, and fall by prescriptioun of tyme, and that the said day sould be keeped at Aberdeene. But, understanding that diverse proclamatiouns have interveened, condemning the bygane Assemblie, and discharging the Assemblie appointed to hold nixt in Aberdeene, the Synod finding themselves brought to a strait, ather of losing the possessioun of the Generall Assemblie if they keeped not the said dyett, or incurring the king's indignatioun; after long reasoning and incalling of the name of God, resolved, that it was meete to prorogat the day appointed by the brethrein conveened at Aberdeene, to the moneth of May nixtocum; seing before the said last Tuisday of this instant tyme, nather can the king be rightlie informed, intreatted, and his answere returned, nor yitt the advice and concurrence of the presbytereis of other provinces be obteanned: That a supplicatioun sould be penned in the meane tyme, and sent with some brethrein from the Synod to his Majestie, and their commissioners to be sent to the provinces nixt adjacent, to have their concurrence and consent, als weill to the said supplicatioun as to the continuatioun of the day.

The supplicatioun was not sent, partlie, through small hope that

it would be admitted; for the king would receave no informatioun in maters of the kirk but through the commissioners; partlie, through distrust of working or procuring anie good, but rather hurt, to the prisoners and others. They concluded with universall consent a fast: 1. For the pest: 2. For unseasonable weather in tyme of harvest: 3. For distractioun of ministers: 4. The restraint of the Generall Assemblie, so needfull in tyme of atheisme and poprie growing: 5. The imprisonment of ministers, and restraining of them from their flockes when God's judgements were brokin furth: 6. For not acknowledging the day of our visitatioun. The fast was to be keeped upon the 15th and 22d day of September. This was the best thing that was done at that Synod. Great weakenesse kythed among them. So farre were they (five or six excepted) averse from keeping the day appointed for the Assemblie, that hardlie could they be brought to agree to this other appointment. Mr James Melvill compared them to folkes that once fleing, knew not where to hyde themselves.

The proceedings of the Synod of Fife comming to the knowledge of the ministers, and flockes of other provinces, and the zealous exercises of the imprissoned brethrein in Dumbartane, Stirline, Downe, and Blacknesse, moved the people verie muche; so that the counsell thought it needfull to direct letters to everie presbyterie, wherin they declared their good dispositioun to putt the lawes in executioun against Papists, and all insolent contemners of ministers, notwithstanding that they were to take order with that small number which conveened factiouslie and seditiouslie, at Aberdeene, to the offence of his Majestie.

MR J. MELVILL'S APOLOGIE FOR THE WAIRDED MINISTERS.

Mr James Melvill about this tyme answered this letter, and other calumneis, with the apologie following:—

AN APOLOGIE FOR THE PRISONERS OF THE LORD JESUS PRESENTLIE IN THE CASTELL OF BLACKNESSE. SEPTEMBER 1605.

"The commoun newes and mater of talke is now the imprissonment and horning of ministers, the which, by manie, (yea, which is verie strange, even of the ministrie,) is not thought evill of; and so almost allowed, by some procured, by all not taikin to heart, but coldlie regarded. And yitt, it is sure, that if suche a number of the learnedest, godliest, and best of the ministers, has fallin and done amisse, the breache and ruine is great in the kirk, which all the true members therof must sensiblie feele, and sorrow for. If they have not failed, but done an honest necessar duetie, and that rightlie and wiselie, then the procurers of suche punishment for weill doing, the allowers therof, yea, and the light esteemers and cold considerers of the cace, are guiltie before God, everie one in their owne ranke, and cannot eshew his wrathe, who suffered none to doe his propheits wrong unpunished, but reproved kings for their sakes, saying, 'Tuich not myne anointed, and doe my propheits no harme,' Psalme cv. But be lyke the sonnes of Jacob, who sold their brother Joseph to prisoun, and syne sat doun to eate and drinke; if not lyke Judas, that betrayed his Lord, and without repenting in tyme, bring on suche a plague, as may make them, with Jacob's sonnes, to say one to another, 'We have verilie sinned against our brother, in that we saw the anguish of his soule, when he besought us, and we would not heare him: therefore is this trouble come upon us,' Gen. xlii. 21. And that so muche the more, if these good brethrein be negligentlie, cowardlie, and tratourouslie deserted in the worke of the Lord, and caus of their Christ, commoun to all Christians, namelie, his ministers, who, if they suffer with him, they sall raigne with him; if they denie him, he will also denie them, 2 Tim. ii. 12. Heerefore, I have thought it expedient and necessar to cleere the caus of the brethrein; that if it be Christ's caus, (as I hope to make it manifest,) all true Christians may take part therin, as they would be acknowledged by

him, when he comes in the glorie of his kingdome; that if ignorance hinder them, they may be instructed; if negligence or forgetfulness, they may be remembred and stirred; if remissenesse and coldnesse, they may be pricked and made zealous; least the caus, standing by the care, wisdome, and power of him whose it is, they fall with the enemeis. For He hath said, 'He that is not with me is against me; and he that gathereth not, scattereth; and whosoever sall be ashamed of me and of my words, of him sall the Sonne of Man be ashamed, when he sall come in his glorie, and in the glorie of his Father, and of the holie angells,' Lucke ix. The good and godlie brethrein's caus then sall be cleered to the consciences of all, by the force of this syllogisme.

"If they assembled, and proceeded in the Generall Assemblie at Aberdeene, the secund of Julie 1605, by good warrant of the Word of God, of the lawes of the countrie, of the constitutions and continuall practise of the Kirk of Scotland since the first reformatioun of religioun, and according to the order and discipline of the kirke subscribed and solemnelie sworne to by the king and whole bodie of this realme, etc., they have done lawfullie, weill, and wiselie; and so sould not be condemned and punished, but honoured and rewarded.

"But they have so assembled, and proceeded in truth: *Ergo*,—

"Of the propositioun of this hypothetick syllogisme, I thinke none will doubt but it is true; therefore, all the present travell seemes to be in probatioun and cleering of the assumptioun. And so, come on the points orderlie of this present apologie. First, what the Word of God teaches theranent; and if, according thereto, they have done. Secundlie, what are the lawes of our realme concerning the same. Thridlie, what are the constitutions and practises of our kirk. Fourthlie, the mentiouned Confessioun of Faith; and if the brethrein have done rightlie and wiselie, conforme to all the same.

"The warrants then of the Word of God, we deduce by thir points orderlie and cleerelie:—

THEIR WARRANTS OF THE WORD OF GOD.

"There is no power but from God, sayes the apostle, Rom. xiii. God the Father anointing Jesus Christ, his onlie begottin Sonne, King over his kirk, has givin him all power in heaven and in earth, Psalme ii. 6; Matt. xxviii. 18. Christ has givin the office, power, and gifts, to gather his kirk, and to governe the same, to his apostles; and for that caus, promiseth to be with them to the end of the world, Matt. xxviii., and not to leave them as orphelings, Johne xiv. 18. As the Father sent him, so he sent them, Johne xx. 2. He breathed on them, saying, 'Receave the Holie Ghost: whose sinnes yee remitt sall be remitted; and whose sinnes ye reteane sall be reteanned,' verses 22, 23. He conversed with them after his resurrection fourtie dayes, instructing them concerning maters perteaning to the kingdom, Acts i. 3. And, finallie, upon the day of the Pentecost, he sent upon them the Holie Spirit, that Conforter promised.

"The same Christ, when he had by the ministrie of his apostles collected the kirks, (Acts ii.,) and founded them by the same apostles, he gave the kirk, pastors, doctors, and elders, for the coagmentation of the sancts, for the worke of the ministrie, for the edificatioun of his bodie, till all the elect grow up to a perfyte man, to the just measure of the stature of Christ, Eph. iv. 11, 12; Tit. i. 5; 1 Cor. i. 2.

"Christ not to his apostles onlie, but also to these pastors, doctors, and elders appointed by them, he gives the keys of the kingdom of heaven, and power of binding and loosing, of reteaning and remitting of sinnes, as said is, and that by the use and ministrie of the Word and Sacraments, and censures of the kirk, Matt. xviii. 17, 18; Johne xx. 20; Acts xx. 28; 1 Pet. i. and ii.; 1 Cor. v. 5; Matt. xvi. 19.

"Christ then, the onlie Lord and King of his kirk, has appointed his administrators and officers of his kingdom, pastors, doctors, elders, and deacons, who sould be occupyed about the Word,

Sacraments, and discipline of maners, and care of the poore, Eph. iv. 1, 11; Rom. xii. 7, 8; 1 Cor. xii.; 1 Tim. v. 17; Philem. i. 1; 1 Tim. iii.

"Now, all these ministers and office-bearers in the kirk of Christ have receaved from their Lord and King their offices and gifts, to discharge the same, together with expresse command to doe the same faithfullie and diligentlie, and that not severallie onlie, but also conjunctlie, in their sessiouns, presbytereis, and synods, as of the places quotted is evident, Eph. iv.; Matt. xviii.; 1 Cor. v., and of the practise therof in the first, sixt, and fyfteenth of the Acts: Namelie, the office and duetie of the pastor is (to superseed the rest for the present) to take heed to themselves, and the kirks and flockes over which the Holie Ghost has appointed pastors, watchemen, and overseers, Acts xx. 28. And that, both severallie, in the particular functiouns of everie office, Rom. xii. 7, 8; and together, in the sessiouns of the kirks and presbytereis, Matt. v. 22, xviii. 17; 1 Tim. iv. 19; 1 Pet. v. 2; for the which caus, the solemne meitings and Generall Assembleis of the pastors of the kirk is most necessar and profitable, that they may therin take heed and order to, and with themselves, and the kirks and congregatiouns over which Christ has placed them, in doctrine and maners, that they may interteane commoun peace and uniformitie, and keepe unitie of faith by the bond of charitie, Acts xx. 28; Phil. ii. 1, 2, 3; Heb. x. 25.

"These Assembleis, in the legall policie of the kirk, Christ approved, Matt. v. 22; Lucke xxii. 66, where he makes answere before the presbyterie of the Jewish kirk, and nather damnes their judicatour, nor declynes the same, it being the lawfull ordinance of God. So did his apostles Peter and Johne, Acts iv., and Paul, (Acts xxii. 30; and xxiii. 1.) But in the Christian kirk and policie therof, he expresselie instituted and appointed the same, translating that which was the lawfull ordinance of God, most necessar for the governement of the kirk, from the legall unto the evangelick, Matt. xviii. 15, 16, 17, 18, 19, 20, commanding to tell the kirk, (that is, the assembleis and meetings of the pastors

and rulers of the kirk,) when anie Christian brother cannot be amended by privat admonitiouns. To the which, also, he gives the power of binding and loosing, whom he biddeth expresselie conveene, where he promiseth, and their number were never so small, being conveened in his name, to be with them in the midds of them.

"This power his apostles receaved and continued, in governing of the primitive kirk, Acts i., and vi. and xv., in the electioun of Matthias, and in choosing the deacouns, and in the counsell holdin at Jerusalem. In everie citie and kirk, Paul and Barnabas ordeaned the same, Acts xiv. 23, and xx. 17; and directed Titus to doe the same, Tit. i. 5; and the calling of Timothie is commended by the laying on of the hands of the presbyterie, 1 Tim. iv. 14. And so, it is most evident, that the apostles obeying the commandement, and leaning upon the promise of Christ, their King and Maister, as the need of the kirk required, conveenned themselves in his name and authoritie, and elected Matthias in the place of Judas, the tratour, Acts i.; choosed the seven deacouns to minister the tables, and take care of the poore, Acts vi.; releeved the Gentiles converted to Christ from the burthein of the ceremoniall law, Acts xv.; separated Paul and Barnabas for the worke of the gospell, Acts xiii.; lyke as they most gravelie exhorted the pastors and elders constituted by them in everie kirk, to doe the same faithfullie and diligentlie, so oft as the use and necessitie of the kirk required, Acts xx. 28; 1 Cor. v. 4; 1 Pet. v.; Rom. xii.

"It is then most manifest of the Word of God, that Jesus Christ, to whom all power is givin in heaven and in earth, has givin power to his pastors and elders to meete together solemnelie with their flockes and people, not onlie for preaching of the Evangell, and publict service and worshipping in ministratioun of the holie sacraments, but also to keepe assembleis for reteaning of the same in sinceritie without corruptioun, or being lost, for recovering therof; and, finallie, for conteaning both pastors and people in their Christian duetie by the rod of discipline.

"And this power, givin by Christ to his pastors, no mortall man sould violat, or anie wise diminish or impede: no king, prince, nor magistrat, muche lesse a Christian magistrat, who the more truelie and sincerelie he professe Christ Jesus, the more bent and ardent sould he be in imploying the power and authoritie that God has givin him, to see God glorified and obeyed in his kirk, and to preserve and mainteane whole and sound, the priviledge and libertie of conveening and assembling, commanded by Christ unto the pastors and elders of his kirk. But so it is then, to assume, that the brethrein in prisoun, viz., Mrs Johne Forbesse, Robert Durie, Andrew Duncan, Johne Welsche, Alexander Strauchane, Johne Schairp, Johne Monro, Johne Rosse, and the rest of the ministers that keeped the day and place appointed for the Generall Assemblie, in the moneth of Julie last, are the weill knowne and approved true ministers of Christ within the Kirk of Scotland, which no true member of the same kirk can be so impudent as to denie. Therefore, these faithfull ministers of Christ who assembled last at Aberdeene, had their power and warrant of Jesus Christ so to doe, namelie, in so necessarie a tyme, when Papists, Atheists, and licentious men, were overhailing the pastors and kirks of that part of the realme, and so manifold evidences kythed, of the overthrowing of the liberteis of the kirk, and sinceritie of the gospell; and sould, therefore, by the Christian magistrat, rather have beene honourablie rewarded than shamefullie punished. The Lord Jesus opin the eyes of the king and his counsell, to see with whom it is they have to doe, to witt, even the Lord Jesus, and not poore simple men, whom they persue; and what they are doing in this caus. For by the last proclamatiouns givin out against the Assembleis and meetings of the ministers, they bring the best servants of Christ, and the king's most duetifull subjects, to the extremitie of Sydrach, Mysach, and Abednego, and Daniel; that is, ather to rebell against God, or to be cast in the fierie furnace, or lyouns' denne. And to that, most pertinent to this purpose, which Eusebius in his first booke of the life of Constantine writteth, of Licinus the tyranne, in these words, as the Latine interpreter translateth them: 'Utili-

tas, et necessitas synodorum vel inde pervideri possit, quod Licinius exitium ecclesiæ machinatus, cum nihil haberet quod comminisceretur aliud, hanc legem promulgavit; ne episcopi, inter se, de rebus suis, vel ecclesiarum communicarent, neque conventus, aut concilia celebrarant.' And this he subjoynes: 'Hæc tanquam * * Licinio fuit ad nos proterve, contumelioseque tractandos. Aut enim legem violando, supplicio obnoxios esse opportebat, aut legis præcepto, morem gerendo ecclesiæ ritus et instituta evertere. Nam magnæ et graves deliberationes de rebus ecclesiæ susceptæ, non aliter possunt, quam per rectam conciliorum administrationem, ratione et via procedere.'"

THEIR WARRANT OF THE LAWES OF THE REALME.

"Now, as to the secund point to be proved anent the lawes of our realme: The first of all, in our acts of parliament, is, 'THE FREEDOM OF HOLIE KIRK. It is statuted and ordeanned, that the holie kirk joyes and bruikes, and the ministers of it, their old priviledges and freedom,' (1st Parl. King James I. Act I.)

"*Item*, In like maner, the first act of his secund parliament is, 'In the first, to the honour of God, that the freedom of holie kirk be keeped through all the realme.'

"The same is confirmed and augmented by King James the Secund, in his fourth parliament, which is all that is printed of that parliament.

"Siclyke, in the first parliament of King James the Thrid: In the first, 'It is statuted and ordeanned, that the priviledge and honour of holie kirk and spirituall persons to be observed,' &c., confirmed by the same King James, in the first of his fyft parliament, in these words: 'That the freedom of holie kirk be observed, and keeped in all immunitie, and priviledge, and freedome.' In like maner and words, by King James the Fourth, in the first act of his secund parliament.

"The first act of the first parliament of King James the Fyft is, 'That the freedome, priviledges, and immuniteis of holie kirk and

spirituall persons, be observed and keeped in honour and worship,' &c. Then, if priviledges, freedom, honour, immunitie of holie kirk, be statuted and ordeanned by law, to be keeped and observed in all immunitie, priviledge, and freedom, and this was ever knowne to be one of their speciall priviledges and freedoms, to conveene in their seinzeis and synods, the conventions and synods of the kirk by our lawes may be lawfullie keeped.

"And if anie will object, that these were granted to the Papisticall kirk, the answere is easie, that muche more [they] sould to the true kirk of Christ; as indeid the godlie princes following, after the manifestatioun of the light of the Gospell, made reformatioun of religioun, and cleered and enlarged the freedoms and priviledges of the kirk, and namelie, (to his immortall praise,) our present king and soverane that now raignes, and who most happilie and weill long live and raigne; and that not onlie by the advice of his foure regents in his minoritie, but most largelie and particularlie, after the taking of the governement in his owne hand and persoun; and cleerliest and fulliest of all, after his full and perfyte age declared.

"In the first parliament of King James VI., 15 Decembris 1567, anent laick patrons, the words are, 'It sall be leasome to the patrone to appeale to the superintendent and ministers of the provinces where the benefice lyeth, and desire the person presented to be admitted; which if they refuse, to appeale to the Generall Assemblie of this whole realme, by whom, the caus being decided, sall take end as they decerne and declare.' Where yee may expresselie see the approbatioun and acknowledging of the Generall Assemblie, as the highest and supreme judgement of the kirk, and of all the realme in kirk maters.

"In the secund parliament, holdin by his goodshir of good memorie, Mathew Erle of Lennox, in the secund act therof, we have these words, '*Item*, Our soverane lord, with advice and consent of the said regent, three estats, and whole bodie of this present parliament, has ratified, and by this present act ratifieth and approveth, all and whatsomever acts and statuts made of before,

by our soverane lord or his predecessors, anent the freedom and libertie of the true kirk of God, and religioun now publictlie professed within this realme.'

"The same is ratified in the first act of his fyft parliament, holdin after the taiking of the governement in his owne persoun; also, in the first act of his sixt parliament, holdin at Edinburgh the 20th of October 1579: 'Our soverane lord, with advice and consent of the three estats, and whole bodie of this present parliament, ratifieth and approveth all and whatsomever acts and statuts made of before by his Hienesse, with advice of his regents, in his owne raigne, or his predecessor's, anent the libertie and freedome of the true kirk of God, and religioun now presentlie professed within this realme.' And speciallie, the secund act of the same sixt parliament is expresselie for the jurisdictioun of the kirk, which consists and stands in the preaching of the Word of Jesus Christ, correctioun of maners, and administratioun of the holie sacraments; and declares, that there is no other face of kirk, nor other face of religioun, than is presentlie, by the favour of God, established within this realme; and that there be no other jurisdictioun ecclesiasticall acknowledged within this realme, other than that which is, and sall be within the same kirk, or that which floweth therefra, concerning the premisses. There is a jurisdictioun of the kirk ample eneugh, distinguished from the civill policie, which of necessitie must have meetings in tyme and place, to exerce and exercise the samine.

"And in his seventh parliament at Edinburgh, the 24th of October 1581, in the first act there is a generall ratificatioun of the libertie of the true kirk of God, and confirmatioun of all the acts and lawes made to that effect before the particular rehearsall and citatioun; and amongst the rest, the ratificatioun of the libertie of the true kirk of God and religioun, anent the jurisdiction of the true kirk, twise.

"And after the king's perfyte age of 21 yeeres compleit, in the elleventh parliament, Edinburgh, 29th Julie 1587, there is a cleere and full ratificatioun of all lawes made anent the libertie of the

kirk, and all others by his progenitors, in his minoritie by his regents, or since the acceptation of the governement in his owne person.

"And finallie, that goldin act, which cleerelie crowneth and firmelie concludeth the caus, viz., the fyft act of the twelveth parliament of King James VI., holdin at Edinburgh the fyft of June 1592, entitulated 'Ratificatioun of the libertie of the true kirk; of generall and synodall assembleis; of presbytereis, of discipline.' Wherin, anent our Generall Assembleis, these are the words, 'And siclyke, ratifieth and approveth the Generall Assembleis appointed by the said kirk, and declairs, that it sall be lawfull to the kirk and ministers, everie yeere at the least, and oftener *pro re nata*, (as occasioun and necessitie sall require,) to hold and keepe Generall Assembleis; providing that the king's Majestie, and his commissioners with them, to be appointed by his Hienesse, be present at ilk Generall Assemblie, before the dissolving therof; nominat and appoint tyme and place, when and where the nixt Generall Assemblie of the kirk sall be keeped and holdin, as they have beene in use to doe these tymes bypast.' Where yee have to note, that the king and estats take not upon them to give the power to the Generall Assemblie to conveene, (which nather they nor our kirk ever thought to be in their hands, but in the hands of Christ Jesus allanerlie, onlie King of his kirk, of whom the Kirk of Scotland had it, and practised it a threttie-two yeere before,) but onlie to ratifie and approve it, by the authoritie that God hath givin to them, according to their duetie.

"And becaus the acts of the 1584 yeere might be alledged against the Assembleis and liberteis of the kirk, therefore this posterior act expresselie speekes thus: 'And becaus there are diverse acts of parliament tending to the prejudice of the libertie of the true kirk of God presentlie professed within this realme, jurisdictioun, and discipline therof, which stand yitt in the bookes of the acts of parliament not abrogated nor annulled: Therefore, his Hienesse and estats foresaid have abrogated, cassed, and annulled, and by the tenour heerof abrogat, casse, and annull, all acts of par-

liament, &c., with all and whatsomever acts, lawes, and statuts made at anie tyme before the day and date heerof, against the libertie of the true kirk, jurisdictioun, and discipline therof, as the samine is used and exercised within this realme; and declairs, that the 129th act of the parliament holdin at Edinburgh the 22d day of May 1584, sall no wise be prejudiciall, nor derogat anie thing to the priviledge that God has givin to the spirituall office-bearers in the kirk, concerning heeds of religioun, maters of heresie, excommunicatioun, collatioun, or deposition of ministers, or anie suche like essentiall censures, speciallie grounded, and having warrant of the Word of God.'

"Now, it is objected, that the act must be granted; but it conteanes an expresse provisioun, that the king or his commissioners, with the ministers, sall appoint the tyme and place. Answere: First, we grant the provisioun, but suche as it is. That is not privative or derogatorie to the lawfulnesse of the meeting ratified by the act, with the claus of 'otherwise not,' or suche like as the lawyers and formalists use, so that if the provisioun be not observed, the licence is null: na, but onlie providing for the strenthening and furtherance of the Assemblie, that his Majestie, by himself or his commissioners, sall concurre; as the claus added, 'as they have beene in use to doe these tymes bypast,' cleerelie showes. Nixt, we answere, we have his Majestie's licence and consent, first by plaine law, which we presentlie alledge and urge; and nixt, by his owne presence, in the Generall Assemblie holdin at Halyrudhous, in November, before his Hienesse' progresse to the South, where his Majestie voted first in the Assemblie, that the nixt Assemblie sould be keeped at Aberdeene, the last Tuisday of Julie 1604. And howbeit that appointed Assemblie held not, yitt it was prorogued at his Majestie's desire, by a letter sent to the presbytereis, subscribed by his Majestie's commissioner the Laird of Lawrestoun, and Mr Patrik Galloway last moderator, and continued to the first Tuisday of Julie, in the yeere present, 1605; according to the which appointment, the presbytereis leaning on the warrant of God's word, and

lawes before mentiouned, sent their commissioners, and keeped the day and place.

"But they insist and reasoun, that the day was discharged by another letter sent to the presbytereis from the said commissioner and moderator. Answere: Not that day, viz., the secund of Julie, but the fyft was discharged by that letter, as the samine extant among the presbytereis yitt beares. Alwise, say they, the meaning was, to discharge that Assemblie. True; but was it lawfull and duetifull to the ministers of Christ, who have their calling, office, and all the parts therof from Christ allanerlie, and must be answerable to him upon their uttermost, upon an alledged discharge of the Generall Assemblie, by an article sent from the king, discharging the said Generall Assemblie, in so necessar a tyme, warranted by suche inviolable reasouns and warrants, as are brought out and sett doun heeretofore, to desert and leave off the same, under skug of I wait[1] not what obedience unto a light letter? And if they had obeyed that letter, what warrant could it have beene for them, when ather Christ, or the Christian king, sould have called them to give an accompt of the discharge of their duetie so expresselie, at so necessar a tyme required of them?

"*Nota.* In the Generall Assemblie holdin at Dundie, May 1597, where the king was present, Sess. 7, anent the article, ordeaning, that no conventioun of pastors be without his Majestie's knowledge and consent, &c., his Majestie's consent is declaired to be extended to all and whatsomever forme, ather of Generall Assemblie or Speciall, permitted and authorized by his Hienesse' lawes, according as they have warrant in the Word of God, as being the most authentick forme of consent that ânie king can give.

"Adde therunto, that the letter of the commissioner and last moderator, conteaned no certane tyme nor day whereto the said Assemblie sould be prorogued; so that it imported a casting

[1] Wot.

loose and deserting, yea, and tyning of the possessioun of our Assemblie; than the which, what could be more dangerous to the libertie and freedom of the kirk of Jesus Christ, at suche a tyme, namelie, of the treatie of the Unioun, when all the estats of the realme, and everie particular are zealous and carefull of their rights and possessiouns? I am sure, there is not in Scotland, that has the right and possessioun of a cote-hous or a kaile-yaird, that would so easilie have quitt it, and slipped from it. And yitt, fy! fy for shame! that ministers, even the ministers of Christ Jesus, sall lett so little, and esteeme so lightlie of the freedom and libertie of the kirk and kingdom of Jesus Christ, planted and peaceablie established so notablie, and so long continued within the realme of Scotland! Yitt they continue, and reasoun against the lawfulnesse of their proceedings.

"Lett it be, say they, that the day might have beene keeped; yitt they sould not have fenced an Assemblie, or appointed a tyme for another, without the consent of the king's Majestie's commissioner, namelie, the said commissioner discharging them both by a missive from the counsell, and by letters proclamed. Answere: There was no proclaming of letters; for that is a manifest forgerie and untruthe, cleerelie discovered and knowne. And how soone they were charged, they gave obedience, and dissolved, for eshewing the offence of men, yea, even endangering themselves over farre in the offence of God, for omitting a necessar duetie to him, as said is. As to the letter of the counsell, it conteaned a counsell, which is no command, to desert and leave off the Assemblie; a thing so unlawfull, that if they had followed it, they could not have beene answerable nather to Christ nor the king, being charged for their duetie, for the reasouns before alledged. And further, where the meaning of the law is, that the king's commissioner sould chonestat, fortifie, and further the Assemblie, the foresaid commissioner, Lawrestoun, came to hinder the Assemblie, and oppone him therunto. So that he was not a commissioner to the Assemblie, but against it; and so, all alike or worse, as if he had not beene in the toun, and there-

fore, by the plaine meaning of the act, it was leasome for the Assemblie conveenned to nominat tyme and place for the nixt Assemblie. They did therefore nothing, but that which both of duetie and necessitie it behoved them to doe; or ellis betray the caus of Christ, and losse the libertie and freedom of his kirk and kingdom, peaceablie, and without interruptioun possessed within this land these fortie-two yeeres bygane; as we have now in the nixt point of probatioun to verifie, by the continuall custome, possession, and constitution of our kirk, since the first reformation of religioun in Scotland."

Their Warrant from the Custom and Constitution of our Kirk.

"And becaus that point is evident eneugh, by the bookes of the Generall Assemblie, and some ancient fathers of the ministrie who are yitt alive, I thinke it sufficient to sett it doun in this generall assertioun, That from the yeere of God 1560, the 20th day of December, when with the parliament, the Generall Assemblie sett doun at Edinburgh, first for establishing of religioun, and sattling the reformed state of the kirk, untill the yeere 1603, in the beginning of Aprile, when the king departed from Scotland, to take possessioun of the whole impyre of Great Britane, the continuall custome of the Kirk of Scotland, approved and reverenced by the supreme magistrat, and all the estats of the realme, was to conveene in their Generall Assembleis almost twise everie yeere, and sometyme thrise. I say *almost*, becaus of that great eclipse, in the yeere 1584 and 1585, by the violent injurie of the tyme, and becaus of the prorogatiouns and tossing of the Assembleis, by proclamatiouns and letters, from tyme to tyme, and place to place, in the yeeres following the yeere 1596, yett in all these yeeres and Assembleis, I say, the order and custome of our kirk was, that in the end of the preceding Assemblie, the tyme and place of the nixt succeeding Assemblie was agreed upon and determined, the which was preciselie keeped, upon the warrant that Jesus Christ has givin to his kirk, to conveene, without any licence sought or

givin by the magistrat, king, or prince, other nor the commoun approved consuetude before the law, and after, in the parliament 1592.

"*Nota.* The Generall Assemblie conveenned at Edinburgh, Marche 1573, directed an admonitioun in writt to the Erle of Mortoun, then regent, and to the Lords of Counsell and estats, bearing this narration:—

"'It is knowne to your Grace, that since the tyme God blessed this countrie with the light of the Evangell, the whole kirk most godlie appointed, and the parliament by act authorized, that two godlie Assembleis of the whole generall kirk of this realme sould be everie yeere, als weill of all members therof in all estats, as of the ministers: The which Assembleis have beene since the first ordinance continuallie keeped in suche sort, that the most noble and of highest estat have joynned themselves, by their owne presence in these Assembleis, as members of a bodie, concurring, voting, and authorizing all things there, proceeding with their brethrein.'

"But heere, by way of exceptioun, they bring in diverse things against this Assemblie at Aberdeene: 1. The few number; 2. The forme of choosing the moderator; 3. The choosing of the scribe; 4. The place and keeping of it, as never was used in anie Assemblie of before; 5, and last, The standing so preciselie upon the keeping of a day with the king, who meanned not to take away the Generall Assembleis from us.

"For the fewnesse in number, I answere, that the Assembleis of Christ's kirk in his Gospell are not defynned by great numbers, but by verie small; as, that 'Whensoever two or three of you are assembled together in my name, I will be in the midds of you: So that, agreeing in my name, that which yee doe in my name on earth sall be ratified in heaven.' So, sure are we that this was, and is. And farther, for all that was done, they were enew, and over manie, to witt, to fence the Assemblie with prayer, and continue the same to another day, for causes moving them, with thanksgiving to God in end. And this, as

in the parliaments of our realme, oftin so has it beene in use in our kirk. For exemple, in the yeere 1596, the Generall Assemblie ordinarie of the kirk was appointed at St Andrewes, there interveened after a great overthrow of the kirk, dressed and done by the devill, at that evill sained seventeenth day of December, and an Assemblie by the king's missives convocated at Perth, in Februar. Mr Robert Pont, a godlie learned father of the kirk, being ordinar moderator, accompanied with Mr Johne Hall, now fallin away, and a few other, came to St Andrewes, the 27th of Aprile, appointed for the ordinarie Generall Assemblie, and continued it till the moneth of May following, to be keeped at Dundie, becaus of the estat of tyme, and that the king, in that conventioun at Perth, had so ordeanned.

"As for the moderator, say they, there was one ordinarie standing. Answere: He was absent unduetifullie, and therefore another chosin in his roome to moderat that meeting, and censure the absent. There was no preaching nor leits made, and putt to the doore. Answere: The last moderator looked for came not to preache, and none other, upon so short advisement off hand, could take upon them so weightie a mater. But the ordinarie doctrine of the ministrie of the place might weill eneugh supplee that. Leits there were made, after prayer conceaved by the moderator of the synod of the province of Aberdeene. And as for their putting out, and suche other accidentall formes, one answere may be givin for all: Suche triffles are not to be stickin upon, when the substance is in perrell of perishing, as at this tyme was the possessioun of the libertie of the keeping of our Assembleis. In fine, that forme of moderatioun is not to be thought so strange, nor so to be querrelled to them, if they would remember the fore-mentiouned Assemblie at Perth, where, without anie doctrine or leits, in absence of Mr Robert Pont, ordinarie moderator, Mr David Lindsey, at the nominatioun of one or two of the brethrein present, entered moderator to that Assemblie, as witnesse will all that were there, and rightlie remembred.

"As for the ordinarie scribe, for feare he refused to doe his office,

being present in the toun, and boasted by the king's commissioner. But it became not the ministers of Christ so dastardlie to leave so necessar a turne and duetie, and therefore [they] choosed a more authentick clerk, one of their owne number, after the forme of synods and presbytereis of the kirk; a learned and honest minister of Christ's Evangell.

"Anent the place, it was not privat, as is alledged, nor yitt with closed doores, otherwise nor is the commoun custome of keeping of Assembleis; but in the ordinarie sessioun-hous within the kirk of Aberdeene, where the synod and presbyterie ordinarilie sitteth; als publict an hous as ather the counsell-hous within the Tolbuith of Dundie, where was keeped a most notable Assemblie Generall in the moneth of Julie 1580, or the counsell-hous within the Tolbuith of Edinburgh, where ordinarilie by the space of diverse yeeres, twise in the yeere, the Generall Assemblie satt. But as has beene answered, all these circumstances and formes give place, when the essence and substance of maters stand in jeopard.

"Fyftlie and last: Concerning the precise standing with the king upon a day. Answere: There was great caus of standing upon a day, unlesse another day had beene appointed, for otherwise the possessioun of our Generall Assembleis had beene interrupted and brokin off, nather could the way have beene found ordinarilie to convocat again a Generall Assemblie. For who had power to appoint tyme and place therefore?' None ordinarilie and orderlie, but a Generall Assemblie. So the day appointed by the last Generall Assemblie being omitted and deserted, without appointing of a new day, the possessioun of Assembleis was lost by prescriptioun, and expyring. And farther, in verie deed, there were manie just causes which might make us to feare the meaning of taiking away and dispossessing of us of a Generall Assemblie, at least the ordinarie assemblie of our kirk: for that is ever weill to be noted, that the Assembleis convocated by the king, by day and place appointed by him, his lawes and proclamatiouns, and there were an hundreth of them, are not the ordinarie Generall Assemblie of our kirk, becaus they flow from the civill magistrat; that is, ανθρωπινη

κτισις, the ordinance of man, as the apostle Peter calleth them, and not χαρισμα πνευματικον, a spirituall gift and ordinance of Jesus Christ, the onlie King of his kirk. These causes of feare then follow :—

"1. The king plainlie professeth, that he liked not our Assembleis, becaus we acknowledged not the power therof to flow from him, and that he sould preside therin.

"2. The bishops abhorred them, becaus they were their judge, to call them to a compt for breaking of the cautiouns, wherof in all they were all guiltie.

"3. The commissioners, in like maner, becaus they feared censuring, and putting of them from the governement of the whole kirk, which they had usurped, and plucked away from the Generall Assemblie, under pretence of a commissioun therefra.

"4. We sought to have obteaned our Assemblie by all maner of earnest supplicatioun, by the space of two yeeres and more ; but could not obteane the same, becaus of the forme of the petitioun partlie, and partlie for greater causes. The forme of the petitioun was, that without his Majestie's stay or offence, we might keepe our ordinarie Generall Assembleis. First, to this effect, the synod of Fife earnestlie wrote and dealt with Mr Johne Hall, last moderator, (before Mr Patrik Galloway, who was absent out of the realme,) that forasmuche that there was a parliament to be for his Majestie's coronatioun, and other most weightie effairs of the unioun of these realmes under his Majestie's dominioun, we might have a Generall Assemblie at that parliament, to see the estat of the kirk, as ever had beene the custome of the kirk, since the first reformatioun of religioun, to have a Generall Assemblie in tyme of parliament. The said Mr Johne Hall promised to write to the king ; and reported answere, that he had so done, but could not obteane it. Secundlie, the Presbyterie of Edinburgh wrote to Mr Patrik Galloway, last moderator, who was with his Majestie at court, to the same effect ; who, after manie delaying promises, at last wrote he sould come home to keepe an Assemblie. But after his home comming no suche effect followed. Thridlie, the

brethrein of the North, after they found the Assemblie appointed at Aberdeene in Julie 1604, to be continued till the synod of Fife, holdin at St Andrewes in September after, and joyning with them of that synod, besought the king's commissioner, the Laird of Lawrestoun, there present in the synod, to the effect foresaid; who answered, he was repairing toward his Majestie, and therefore desired the commissioners of everie province to meete at Perth, and joyne together in supplicatioun, which he sould carie, as from the commissioners to be assembled there; and he was in good hope to obteane it. Fourthlie, the commissioners of the Generall Assemblie conveenned with the king's commissioner at Perth, in October therafter, where were also frequentlie conveenned diverse commissioners from all the provinces and synods of Scotland, who all agreed to make supplicatioun for a Generall Assemblie, directing the same with the king's commissioner, and so expected good answere, but in vaine. Fyftlie, mentioun being made of the Generall Assemblie, at the last synod of Fife holdin at Bruntiland, the commissioner being now returned from court, and there present, stronglie withstood it, shewing that he had expresse article in his commissioun not to permitt it. It was desired, that the tyme and place onlie might be appointed, how short or long so ever, that the kirk might be putt out of suspicioun and jealousie of dispossessing of them, and losing of an Assemblie for ever. But it could not be granted. Sixtlie, the said commissioner, at the day approaching appointed for the Generall Assemblie at Aberdeene, in Julie 1605, sent letters to all the presbytereis for superseding therof; the which letters boore no certane day nor place, to the which the Assemblie sould be continued. Seventhlie, the letter directed to Aberdeene from the counsell, desired and counselled expresselie, that the Assemblie might be left and deserted; yea, and the brethrein which conveenned there being called before the counsell, craved, that anie day and place might be appointed for the nixt Assemblie, that there might at the least remaine some hope of the same; but it could not be granted. Eightlie and last, it was, and is the commoun voice of all, to the great greefe of the

good and godlie, and triumphing of the enemeis, Papist, atheist, and licentious, that we sould never have a Generall Assemblie again.

"There rests now the Fourth and last point of this Apologie, anent the King's Confessioun of Faith, as it is called, notoriouslie published in Latine by Mercurius Gallobelgicus, upon occasioun of a sute made by the Frenche kirk at Londoun to his Majestie, for continuing of their priviledges, at his Hienesse' entrie in Londoun; when his Majestie, assuring them of his good affectioun toward the true religioun, made mentioun of the said Confessioun as an undoubted witnesse of the same. And therefore, the said Mercurius setteth it doun in Latine, as it is also extant in Frenche, Dutche, and all other commoun languages in Europ, for the notable estimatioun therof. And this Confessioun of Faith furnisheth an ungainstandable argument for the lawfulnesse of the late Assemblie holdin at Aberdeene, which we stand for, closing the mouths of all good members of the kirk, and subjects of the realme of Scotland, from speeking against the same; and binding them in all duetie and conscience to stand to it, unlesse they would declare themselves apostats, and perjured in the sight of God and the whole world. For why? the king's Majestie, the whole ministers, counsellers, nobilitie, estats, and subjects of the realme of Scotland, have solemnelie sworne and subscribed these words following of that Confessioun: 'To the which (viz., the true reformed Kirk of Scotland, and immediatlie mentiouned before) we joyne our selves willinglie, in doctrine, faith, and religioun, and discipline, and use of the holie sacraments, as lyvelie members of the same, in Christ our Head; promising and swearing by the great name of the Lord our God, that we sall continue in the obedience of the doctrine and discipline of the kirk, and sall defend the same according to our vocatioun and power, all the dayes of our lives, under the paines conteaned in the law, and danger both of bodie and soule, in the day of God's fearefull judgement.' And after a few lynes, it followes: 'We willinglie, to take away all suspicioun of hypocrisie, and double dealing with God and his kirk, protest,

and call the Searcher of all hearts to witnesse, that our mindes and hearts doe fullie agree with this our confessioun, promise, oath, and subscriptioun, so that we are not moved for anie worldlie respect; but are perswaded onlie in conscience, through the knowledge and love of God's true religioun printed in our hearts by the Holie Spirit, as we sall answere to him, in the day when the secreits of all hearts sall be disclosed.' Now, take heed I pray you, at what tyme this Confessioun was by authoritie published, and commanded to be sworne and subscribed, after his Majestie and whole hous going before, by good exemple had done the same. It was even first presented by the king's minister, Mr Craig, and his Majestie's commissioner, the Laird of Caprintoun, to the Generall Assemblie holdin at Glasgow, in the moneth of Aprile, in the yeere 1581. At which Assemblie, the Booke of Policie, and Discipline of the Kirk, (so manie yeeres before, in so manie Assembleis travelled into, perfytted, and presented to the king's Majestie and counsell, after the Assemblie Generall holdin at Stirline by directioun of the same, 1578, gratiouslie and weill accepted of,) was approved, and ordeanned to be registred in the bookes of the Generall Assemblie, *ad perpetuam rei memoriam.* Lyke as at the said Assemblie, by his Majestie's said commissioner approving the discipline concluded in the said Booke of Policie, was presented from his Majestie a platt of the presbytereis throughout the whole realme, craving commissioners from the said Assemblie to be directed, with suche as his Majestie sould appoint, for planting of the said presbytereis in everie province. The which was done. And seing bishops were utterlie abolished in the Assemblie holdin at Dundie the yeere preceeding, his Majestie desired to know how their places sould be suppleed in parliament; as at more lenth is conteaned in the bookes of the Generall Assemblie, and register of the said Assemblie at Glasgow. This cleereth sufficientlie what was then the discipline of the Kirk of Scotland, meanned and mentiouned in the said Confessioun of Faith; so that farre from all doubt or questioun, our Generall Assembleis were then most floorishing, frequent, and vigorous;

full of reverence, gravitie, and authoritie; the freedom and libertie therof was the cheefe head and bulwarke of all the discipline of our kirk, the which to impaire or brangle, was indeid to intend the overthrow of kirk and religioun. And this was so reverenced, so sworne and subscribed, yea, and published of new again, and ordeanned to be of new again sworne and subscribed, with a generall band, in the yeere 1590, before the obteaning of the ratificatioun in parliament in the yeere 1592.

"This then being the discipline sworne and subscribed, darre anie of the swearers or subscribers come in the contrare therof? or damne the faithfull ministers of Christ for the use and practising of it, unlesse they would prove and professe themselves apostats and perjured? yea, or can they refuse to obey and defend the same, according to their vocatioun and power, all the dayes of their life, seing it is, and stands upon the danger both of bodie and soule, in the day of God's fearfull judgement, as the foresaid sett down tenour of their oath beares? Na, I am assured, that the king's Majestie himself, (whom God preserve, and make weill and long to live and raigne,) his honorable counsell, and all his good Christian subjects, when they have weyghed this mater, and taikin it to heart, will be wakenned and moved to remember their oath, will tremble, and feare that great name Jehovah, the Lord their God, interpouned and witnessed in this mater of most great importance; and finding his servants to have done nothing contrare, but according thereto, (as we have sufficientlie shewed in the point preceeding,) will see them honoured and rewarded as faithfull, and not reviled and punished as mischant.

"Of this whole discourse then it is most evident, that they are farre deceaved, who thinke we have the power and authoritie of our Assembleis from the king and his law, as the cheefe warrant and ground therof. Na, our meetings in our Assembleis is an essentiall point of the office of the ministrie of Jesus Christ, which we have nather in whole, nor in anie part, of no earthlie king, but of Himself, who is King of kings, and Lord of lords. But forasmuche as God has ordeanned kings, queens, and princes, to be nurces,

defenders, and members of his kirk, as the speciall end wherefore they have receaved their authoritie and pre-eminence, and for whose sake they are both sett up and cast doun by God; and therefore it is, that in all reverent submissioun, the kirk craves the benefite of their maintenance and lawes, for the honour of Christ, his anointed King upon his holie mountain. The which if they duetifullie bestow, they sall not doe it for nought: for the Lord will honour them that honour him; if otherwise, he will caus them ken, that he made them up, and can cast them doun again. And therefore, in all reverence to speeke it, and saving whatsoever enteresse the good brethrein may incurre thereby, in all reasoun, they have beene rather over obedient in leaving their duetie commanded by Christ, which no man may, nor sould contramand, and not holding out the said Assemblie, for effectuating the necessar effaires of the kirk wherefore it was appointed, nor rebellious and contemptuous against the king, whose estimatioun, honour, and obedience, must stand with Christ, and his holie ministrie of his kirk, and not against the same.

"In end, then, and conclusioun; since it is so manifest of the premisses, that the brethrein, commissioners of the presbytereis of the kirk of Scotland conveenned at this last Generall Assemblie holdin at Aberdeene, in the secund of Julie 1605, had suche evident and strong warrants for them of the Word of God, lawes of the realme, custome, and constitutions of our kirk since the beginning, and of that noble and famous Confessioun of Faith, there can remaine no doubt in the heart of anie good Christian but they have done honestlie, lawfullie, and weill. And if so, they must have done wiselie also; for it is speciall wisdome, even for kings and princes, to serve the Lord with feare, and to kisse the Sonne with humble obedience, least he be angrie, and they perish in the way, when for rebellioun and disobedience his wrathe is kindled. Psalm ii. 10, 11, 12, 'Be wise, yee kings; be instructed, yee that judge the earth; serve the Lord in feare; kisse the Sonne, least he be angrie, and yee perish in the way, when his wrathe sall burne at an instant. Blessed are all that trust in him.' So, obedience and

faith in the Sonne of God is wisdom and blessednesse. To preserve that hid treasure of the Gospell of peace and life; to keepe that pretious pearle that lightenneth the eye, and quickenneth the heart, and stand for the honour of Christ the King, and the libertie and freedom of his kingdom, against all suche as seeke to beare doun and deface the same, or to usurpe or encroache therupon; yea, to suffer with him, that they may raigne with him, is greater wisdome than to conqueis all the kingdoms of the earth, if Christ, the Wisdom of the Father, be to be beleeved, saying, 'What availeth it to a man to winne the whole world, and tyne his soule?' And this will be found, when it sall be said to these wise worldlings, 'Foole, this night they sall take thy soule from thee:' Also, 'I know you not; depart from me; goe, yee cursed of my Father, to the unquenchable fire, prepared for the devill and his angels,' &c. What weight or availl, for wisdom's commendatioun, then, will it be, to have feared and obeyed men more than God? And that is all the follie, forsuith, that these good and faithfull brethrein can be accused of. In fine, then, if they have done both lawfullie and wiselie, lett their judges take heed how they judge, least damning the innocent, they be abominatioun before God, the righteous Judge. Lett their persuers be affrayed they fight not against God, least he prevaile, and cutt them in collops. Lett their fellow brethrein be honest and true, and fracke with them in the caus, as they would be partakers of the kingdom, least they heare that doome, 'Take this unfaithfull servant, bind him hand and foote, and cast him in the dungeon of utter darknesse.' That will be a *Blacknesse.* Lett them that thus strike and imprissoun their fellow servants, and sitt doun, and eate and drinke with the drunken, feare for the comming of the Lord to dichotomize them. Lett all Christians remember, what Christian compassioun and charitable duetie craves toward the afflicted brethrein, but namelie, to Christ himself, in his sufferings. And lett the good and faithfull servants of Christ presentlie imprisouned, to their encouragement and confort, heere and meditat these things which He (that has the seven starres in his right hand, and walkes in the

midds of the seven goldin candlesticks; who is the first and the last; who was dead, and is alive for evermore: Amen) sayes, 'I know thy workes, and tribulatioun, and povertie, (but thou art riche:) and I know the blasphemie of them which say they are Jewes, and are not, but are the synagogue of Satan. Feare not for these things which thou sall suffer. Behold, it will come to passe that the devill will cast some of you into prisoun, that yee may be tryed; and yee sall have tribulation ten dayes. Be thou faithfull unto the death, and I will give thee the crowne of life. Come, come, Lord Jesus. Amen.'"

THE WAIRDED MINISTERS' APOLOGIE.

This apologie, penned at this tyme upon the occasioun foresaid, was sent to the wairded brethrein, after the things done at the synod of Fife. The imprisouned brethrein sent their owne Apologie about the same tyme, when Mr Johne Hall went up to court, dated the secund of September, as followes:—

> "To the most high and excellent Monarch, our gratious and dread Soverane, James, by the grace of God King of Great Britaine, France, and Ireland, Defender of the Faith, &c., grace, mercie, and peace from God, the Father of our Lord Jesus Christ, be multiplied.

"Please your most excellent Majestie to vouchsafe a gratious eare unto us, in declaring to your Majestie the true historie of our whole proceedings in our last Assemblie at Aberdeene, which, we feare, has beene ignorantlie of some, or of purpose by others, misreported to your Majestie; which, we doubt not, has beene the caus of this our imprisonment, and hard handling of us your Majestie's faithfull and loyall subjects, and the servants of your God, as, we are assured, your Majestie is fullie perswaded. The caus of our long silence (most gratious soverane) was partlie the cleere evidence of our fact, and equitie of our caus, which we thought could

not possiblie have beene so farre misinterpreted by anie unto your Majestie, as by the experience of these five weekes' imprissounment we have learned; and partlie, becaus we thought the report of our answere before your Majestie's honourable counsell sould have sufficientlie cleered us in that mater. But, notwithstanding of all these things, our greeves and imprisounment still continuing, we are now forced to breake off our silence, and to sett doun the true narratioun of our whole proceedings, and of the grounds that moved us thereto, as in the sight of our God, who sall judge the secreits of all hearts one day. The which, in all reverence, we offer unto your Majestie's favourable consideration and wise judgement, who, as an angell of God, can discerne of the truthe and equitie of these things.

"It is not unknowne to your most excellent Majestie, that in the Assemblie holdin at Halyrudhous, in November 1602, wherin, upon the greefe that the Generall Assemblie was not ordinarilie keeped, notwithstanding the acts of parliament and Generall Assemblie, and necessitie of the tyme, but that the dyets therof were altered, without the knowledge of the presbytereis and synods, it was found enacted for remeed therof, that the Generall Assembleis sould be appointed and keeped, according to the act of parliament holdin at Edinburgh, the 5th of June 1592, with your Majestie's consent, it was ordeanned that the nixt Assemblie sould be keeped at Aberdeen the last Tuisday of Julie 1604. The which day approaching, the commissioners of the Generall Assemblie, with your Majestie's commissioner, notwithstanding of the foresaid ordinance, sent their letters to presbytereis, advising them to continue the Assemblie to the first Tuisday of Julie 1605, at the farthest, and sooner, if they sould be advertised; declairing the same to be your Majestie's pleasure. For the which respect, the presbytereis acquiescing thereto, expected continuallie new advertisement, considering and seing the manifold urgent necessiteis of a Generall Assemblie, for keeping of the puritie of doctrine and discipline, for preservatioun of unitie, repressing of schismes, atheisme, licentiousnesse, and opin scandalls, receaving of appella-

tiouns, and suppressing the insolencie of Papists; all which did grow exceedinglie through the delay of the same, and was like to encreasse farther, to the renting of the kirk, corrupting of the worship of God, overthrow of discipline, and abounding of all maner of iniquitie, as miserable experience has over-cleerelie taught these yeeres bypast. Therefore, at diverse tymes, earnest travell was taikin by the presbytereis and synods, that supplicatioun might be made to your Majestie for haisting the dyet of the said Assemblie. So that on our part there laiked no duetie in that point toward your Majestie, as the record subsequent of our dealing will testifie.

"First, the synod of Fife earnestlie wrote and dealt with Mr Johne Hall, last moderator, (before Mr Patrik Galloway, in his absence with your Majestie,) who promised to write to your Majestie for a Generall Assemblie; and reported that so he did, but could not obteane it. 2. The presbyterie of Edinburgh wrote to Mr Patrik Galloway, to intreate your Majestie heerin; who, after diverse delaying answers, at last said he sould come home to that effect. But after his home comming, no effect followed. 3. The brethrein of the North came from the synod of Aberdeene to the synod of Fife in St Andrewes, and joyning with them, besought your Majestie's commissioner for haisting the Assemblie; who shew, he was going straight to your Majestie, and desired the whole province to joyne together, and make supplicatioun by him and the commissioners to your Majestie, and it sould be obteaned. 4. The commissioners, from manie of the provinces of Scotland, conveenned at St Johnstoun in October last, with your Majestie's commissioner, and commissioners of the Generall Assemblie, and all agreing in one, did make supplicatioun for a Generall Assemblie unto your Majestie, by your Majestie's commissioner; the which was promised and expected, but in vaine. 5. Beside the sute of other synods to your Majestie, as, namelie, the synod of Lothiane, holdin at Tranent, *anno* 1604, wrote a letter to your Majestie to that effect, both penned and caried by the Bishop of Glasgow; the last synod of Fife, holdin at Bruntiland, made mentioun of the Generall Assemblie to your Majestie's commissioner, who stronglie

withstood it. Being desired that the tyme and place might be appointed, how long or short so ever, that the kirk might be putt out of jealousie and suspicioun of losing and dispossessing them of the Assemblie, he could no wise be moved to grant it. Thus, having used all possible meanes for obteaning your Majestie's consent for hastening our Assemblie, at last the appointed day by the commissioner's former letter of continuatioun drawing neere, the presbytereis and synods seing the manifold inconveniences foresaids alreadie risin, through the delay of it made heeretofore, contrarie both to former ordinances of the last Generall Assemblie, and continuall practise and custome of the kirk, and manie moe and greater likelie to arise of the deserting therof, which would necessarilie have followed, if that day had not been keeped; first, becaus that dyet being expired, there could not another dyet be appointed by the kirk, according to the ordinarie custome and ordinance therof, the Assemblie preceeding ever appointing tyme and place of the subsequent: Secundlie, nather could your Majestie's commissioner, being earnestlie requeisted thereto, be induced to appoint anie tyme long or short; nather did the last letter directed from the commissioners for staying the last dyet, designe anie other definit tyme for keeping of the same: The presbytereis and synods being moved by these considerationns, they directed their commissioners to keepe the Assemblie; some wherof had not receaved the letter of stay before the tyme of the Assemblie, others receaved it after they were directed by their presbytereis, others so short a tyme before, that no deliberatioun could be taikin for eshewing the former inconveniences, but to keepe the dyet. Of the which commissioners, some keeped the first Tuisday of Julie, which was the secund day therof, according to the first letter of prorogatioun sent by the commissioners from Perth, 4th Julii 1604; others came not till Thursday and Fryday, the fourth and fyft dayes of that moneth, becaus the last letter directed from Edinburgh in Junie last, which was subscribed by the said persons that subscribed the former for staying of the said Assemblie, did advise the presbytereis not to keepe the said fyft day of Julie. The which error of

the letter, (whether of purpose or not, we know not,) as it was the caus that stayed sindrie commissioners that were purposed to keepe the same, being disappointed of the day by the diversitie of the dyets specified in the two letters, so it was the caus, that suche as came to Aberdeene did not all keepe one dyet.

"And hitherto have we declaired unto your Majestie the truthe of the caus and ground that moved both our synods and presbytereis to send, and us to obey them. The which, becaus we feare that they have not come to your Majestie's knowledge, therefore have we shortlie sett them doun, that your Majestie may understand both our carefulnesse to procure your consent, as also, the necessitie that moved us to keepe the appointed day and place of the foresaid Assemblie: Protesting, in the sight of our God, that it was not of anie purpose to offend your Majestie, muche lesse to contemne or misregarde your Hienesse' authoritie.

"Now, we humblie implore your Majestie's favour; patientlie to heare the simple truthe of that which was done of all that came, both first and last, to that Assemblie. As to these that came the first day, this is the whole substance and forme of their proceedings. After the sermoun, being purposed to beginne the Assemblie, according to the order and custome of the kirk, we missing the moderator, and supposing sindrie of our brethrein to be stayed by injurie of the weather, we conveenned in the kirk, with the Laird of Laurestoun, your Majestie's commissioner. By mutuall consent, we continued our doun-sitting till two afternoone, at which tyme we mett in more frequent number in the sessioun-hous, within the kirk of Aberdeen; and immediatlie after incalling of the name of God by Mr David Rait, last moderator of the provinciall assemblie of Aberdeene, we sent for the ordinar clerk, who came to us. In the meane tyme, the Laird of Laurestoun entered in our Assemblie, and sitting doun among us, presented a missive letter from the lords of your Majestie's Secreit Counsell, directed to the ministrie conveening in their Assemblie at Aberdeen, desiring the same to be read and answered. To whom it was answered, that the said missive being directed to all, it could not

be orderlie receaved, read, nor answered, whill a moderator was lawfullie chosin by the mouth of the whole, in respect it behoved the servants of Christ, conveened in his name, to doe all things in comelinesse and order. Wherupon, the Laird of Laurestoun having named Mr Johne Forbesse to be the mouth for the rest, yitt seing the Assemblie would proceed to an orderlie electioun, he removed himself, without anie urging of the Assemblie, or refusall by them of his presence, onlie of his owne accord, and that (as he himself declared) he might eshew to be querrelled, for seeming to approve the said electioun by his presence, incace it sould happin that he and we could not agree. After his removing, we desired Mr Thomas Nicolsone, ordinarie clerk, to remaine with us to doe his office, who refused, till he sould see how the issue of our doings sould content the Laird of Laurestoun; and so, likewise, removed himself. Therafter, Mr Johne Monro, Mr Johne Forbesse, and Mr Robert Durie, who were nominated upon the leit, being to remove, the Assemblie, willing to acquiesce to the Laird of Laurestoun's nominatioun, did stay them all in one voice, agreeing, that Mr Johne Forbesse sould be moderator, this forme being before practised in the Generall Assemblie; and after incalling of the name of God by him, we did choose Mr Johne Schairpe clerk for that tyme, receaving no new oath of him, in respect of the oath of faithfull obedience givin by him at his entrie to the ministrie, which is a commoun practise of the kirk in their Assembleis. After the which electioun, the foresaid missive was reverentlie read and heard, and by the moderator cleerelie takin up in two points: First, anent dissolving of our present Assemblie; and, Secundlie, that no new dyett sould be appointed, till your Majestie were acquainted therewith.

"Which two points being orderlie propouned to the Assemblie, and their judgement craved theranent, after deliberatioun it was concluded, that they would leave the treatting of all maters to a new Assemblie, and so satisfie the first point. As to the secund, it was thought needfull to appoint a new dyet, for the reasouns sett doun at lenth before. Notwithstanding, it was thought meete,

before the appointing therof, to acquaint the Laird of Laurestoun therewith, and to desire him to nominat a certane day, long or short, to which we were resolved to condescend. He being returned to the Assemblie, at our requeist, the moderator declared unto him the judgement of the brethrein anent the heads of the missive. As to the first, he found himself weill satisfied with their conclusioun. But tuiching the secund, he refused to designe anie tyme, long or short, albeit the Assemblie assured him, that upon the reverent respect they had to satisfie your Majestie's desire, they would be als readie then as now, to continue again to a certane day, if your Majestie sould desire them. Therafter, by long reasouning, he being brought to consider the expediencie and necessitie of that point, albeit he nather could nor would condescend therto, becaus, as he affirmed, he had a warrand to that effect, the Assemblie declared to him, that it behoved them to appoint a day for the reasouns foresaid. Wherupon he again did willinglie remove himself, notwithstanding he was desired by some of the brethrein to remaine, to heare and see what sould be concluded heeranent. And this he did for the same caus wherefore he removed at the first, as he himself openlie declaired. In whose absence, first and last, the doore was alwayes readie to him or anie that desired to enter. After his departure, the intreatting of all maters of the Assemblie was continued till the first Tuisday of September nixt, at Aberdeen, and intimatioun therof ordeaned to be made to all presbytereis, according to the order and custome observed in suche caces. Which being done, and we about to dissolve without anie farther, the Laird of Laurestoun returned again, and protested he did not acknowledge our meeting for a lawfull Assemblie from the beginning, becaus of absence of the moderator of the last Generall Assemblie, and ordinarie clerk; to the which the moderator, in name of the brethrein, answered, that it behoved to be lawfull notwithstanding his former reasouns; and that, in respect of the warrant of God's Word, the lawes of the countrie, constitutiouns, continuall custome, and practise of the kirk, and particular warrant of that day and place, subscribed both

by himself and Mr Patrik Galloway, moderator of the last Generall Assemblie, and Richard Thomsone, as clerk to the commissioners therof: And farther, your Majestie knowes, that the register of the Assemblie beares, that the absence of the preceeding moderator and ordinarie clerk has never beene impediment to the holding, or prejudiciall to the lawfullnesse of our Assembleis. With this, the Laird of Laurestoun caused Johne Wishart, messinger, to charge us with letters of horning, to suffer our present Assemblie to desert, we having alreadie concluded to dissolve, upon the desire of the Lords of Secreit Counsell's letter, to which we offered and gave instant obedience. And the moderator, in name of the brethrein, craved documents in the hands of the messinger therupon, he being also a notar; who refused the same to us, in presence of divers witnesses. And immediatlie therafter, the moderator gave thankes to God, dissolved the Assemblie; and we past all to the commoun clerk's chamber of Aberdeen, and tooke instruments of our obedience to the foresaid charge. Which was the onlie charge that ever we heard of, first or last, ather by publict or privat intimatioun or knowledge, as we sall answere to God in that great day when the secreits of all hearts sall be disclosed. Of the which charge, no mentioun or report was made at all to the Lords of your Majestie's Secreit Counsell, but of another charge alledged, givin by virtue of the same letters on Moonday, the first of Julie, by opin proclamatioun at the Mercat Croce of Aberdeen, before two witnesses allanerlie, both the said laird's servants of his owne companie, no living soule ather of the indwellers or others for the tyme present in the burgh being witnesse thereto; albeit it be of veritie, that we are able to prove diverse honest and famous persons to have beene continuallie present in the opin mercat place, and therabout, from the entrie of the said Laird of Laurestoun within the toun, till about eight houres at night, who could not have beene ignorant, if suche charge had beene givin publictlie, as is alledged. Wherupon it is evident, First, that the warrant of our Assemblie is lawfull. Nixt, that we mett upon no contempt and misregard of your Highness' lawfull authoritie. Thridlie, that

we removed not your Majestie's commissioner from us, nather first nor last, his removing being alwayes voluntarie; nor yitt did we debarre him, when he pleased to be present. Fourthlie, that we did nothing without his privitie and his consent, craved in everie thing, and obteanned in some things. And these things that he consented not unto, he declared plainlie that it was not becaus they were not equitable, but for avoiding a querrell against himself, for appearing to approve them. And, last, that we did not contraveene anie charge givin us, or intimated unto us. And this is all that was done on Tuisday.

"As concerning the brethrein that were disappointed of the right day, by the errour of the last letter, finding the Assemblie to be dissolved before their comming, and having receaved a subscribed copie of the proceeding therof, they past together to the place where the Assemblie was holdin, and for the discharge of their commissiouns, tooke publict documents in the hands of two notars, that they were come to keepe the said Assemblie; and finding the same dissolved, they did ratifie, allow, and approve the proceeding therof, in their owne names, and in the name of the presbytereis that sent them. And this is the truthe of all the proceedings of them who both first and last came to Aberdeen, to keepe the said Assemblie. Which things being done, we went to our owne charges; and at our first meeting with our presbytereis, according to the order observed in suche causes, we reported our proceedings according to our commissioun, which they allowed in all points.

"This then being the caus (Most Gracious and Dread Soverane) wherefore we are thus dealt with, and yitt still deteaned in prisoun, as we have beene these five weekes past and more; whereby our bodeis are weakenned through infirmitie, our selves and our famileis superexpeuded and pauperized, our soules deprived of the confort both of publict and privat dueteis which we ought in our callings to our congregation and brethrein; and last of all, our congregatiouns scattered, and their soules famished for want of that bread of life; licentiousnesse and impietie growing among them, to the dishonour of God, and greefe of the godlie, and procuring

of God's fearefull judgements, both temporall and eternall, and all for want of the blessed ministrie, whereby they are keeped in obedience to God, and reverent subjectioun to your Majestie, and that speciallie, at suche a tyme, wherin the Lord by his destroying angell is fearfullie striking in sindrie parts of the land, and some of our congregatiouns; wherefore we, in all humble reverence, beseeke your Most Gracious Majestie, as the Lord's lieutenant heere on earth, who has receaved power and authoritie from him for the maintenance of the good, and punishment of the evill, that not onlie our persons, but also our causes, may be favourablie regarded, which is not ours, but Jesus Christ's, to witt, the freedom and liberteis of our Assemblie, wherof the Generall has beene the sinew, band, and strenth, and life of all the rest; without the which they cannot be keeped in puritie, nor the foresaid inconveniences eshewed. Which Assembleis are so cleerelie warranted, first, by the Word of God, wherof your Majestie is so sufficientlie instructed, that it were needlesse for us to prove the same, it being so publictlie preached, professed, allowed, and practised in our kirk, now by the space of fourtie-five yeeres or thereby, so that none can justlie pretend ignorance therof: Nixt, approved by the highest lawes in this your Majestie's kingdome: Thridlie, by the constitutiouns, customes, and practise of our kirk since the yeere of God 1560, reverenced and decored by your Majestie's royall presence at sindrie and diverse tymes: And last of all, by that notable Confessioun of Faith, called the King's Confessioun, published in Latine by Mercurius Gallobelgicus, and translated in Frenche, Dutche, and other languages, for the notable estimatioun therof; wherunto, not onlie we of the ministrie, but all your Majestie's subjects of whatsoever estat, by your Majestie's publict authoritie are become bound by subscriptioun and oath, promising and swearing, by the great name of the Lord God, to continue in obedience of the doctrine and discipline of this kirk, wherof our Generall Assembleis have beene the head and bulwarke of all the rest; and to defend the same according to their vocatioun and power, all the dayes of their lives, under the paines conteanned in

the law, and danger both of bodie and soule in the day of God's feareful judgement.

"Heerefore, in respect of the whole premisses, we doubt not but your Majestie will have consideratioun of our persons, callings, famileis, and congregations, and that same clemencie and favour which we have ever found in all our greeves and supplicatiouns at your Majestie's hand, when we had your Majestie's most gracious presence; that same now, muche more hope we, that this our humble supplicatioun will find with your Majestie, for us that are now shutt up in prisoun, that we cannot have our wounted accesse unto your Majestie. Confort our hearts, (most gracious Soverane,) not onlie by our owne libertie, but also by giving out that commandement, that was givin by Artaxerxes to Ezra, etc., that everie one who is willing may goe and serve the Lord your God, in all the wounted worship and ordinance whereby he has beene served in this your Majestie's land, under your Hienesse' governement, with such a blessing to your Majestie's kingdome and people, that never anie other had a greater; and whatsoever is by the commandement of the God of Heaven, that it may be done speedilie, for the house of the God of Heaven. For why sould he be wrothe with the realme of the king and his children? And whosoever will not doe the law of the Lord your God, and the law of the king, lett him have judgement without delay, that all the people of your Majestie's land, and all the kirks everie where, may more and more blesse the Lord our God, who has putt in the king's heart to beautifie the Lord's hous which is in Scotland.

"And thus prostrating ourselves at your Majestie's feete for the gratious consideratioun of our caus, and libertie of our persons, we wishe to your Majestie, upon the knees of our hearts, the multiplication of all spirituall blessings in Jesus Christ, the stabilitie of your throne in peace and righteousnesse, lenth of dayes, increasse of honour, prosperitie and peace in this life, and eternall life heerafter.

"From Blacknesse, the 2d of September 1605.

"Your Majestie's most obedient subjects in the Lord, and humble supplicants."

Upon the 26th of September, a warrant is givin out at Hampton Court, for holding an Assemblie at Dundie, the last Tuisday of Julie, (but in what yeere never a word, and so to be holdin *ad Græcas calendas*,) to stoppe the mouths of unquiett spirits, and raisers of that false scandall, of alteratioun of the discipline authorized, and priviledges of the kirk, by a suddane and unseasonable laying on at this present, the rites, ceremoneis, and whole ecclesiasticall order established in the Kirk of England, as was alledged in the proclamatioun, the tenour wherof followeth, (page 338.)

Upon the thrid of October, this letter following is directed to the Presbyterie of St Andrewes, from the counsell:—

"To our trust freinds, the Ministers of the Presbyterie of St Andrewes.

"After our verie heartilie commendatiouns. Wheras his Majestie is crediblie informed, that the order taikin by his Majestie's commandement, with the few number of these of the ministrie that, contrarie to his Majestie's warrant, charge, and desire of the counsell, attempted to hold a Generall Assemblie no wise allowed by the best and most part of the Kirk of Scotland, hath bred some disquietnesse in the minds of the people, has armed some of the insolent sort to despise and misregard the ministrie, and has emboldened the Papists to expect impunitie, as if his excellent Majestie and his officers sould be so bussied with the repressing of the enormiteis and unruelie accidents that have flowed from that first disobedience, that their libertie sould be thereby encreassed, and the executioun of the lawes against them sould surceasse: It has therefore pleased our Most Gracious Soverane, out of that tender care that his Majestie has of the maintenance of that undoubted truthe that his Majestie has ever professed, and for preventing of these inconveniences that of the present jarres may arise, to command us, by these presents, to signifie to all the particular presbytereis within this kingdome, that howbeit this little handfull of discontented spirits has done what in them lyeth, to

animat his Majestie against the whole estat of the kirk, that suche is his fatherlie love to have the sinceritie of religioun established for him and his posteritie, to the world's end; to have the preachers therof honoured, and regarded in their calling; to have the enemeis rooted out, and trode under foote, and the lawes executed with all rigour against them; that it is his Majestie's gracious will and pleasure, that as in love he will have their factious brethrein to be corrected, to the terrour of some who may be enduced into the like errour, and contentment of the best of the ministrie, who feare the dangerous events that suche enormiteis may produce; so, in justice he will have none of his subjects in no degree to escape their due punishment, that darre presume in word or deed to offend, despise, or contemne anie one of that professioun, muche lesse, that anie one of an opposite religioun sall expect anie impunitie; but upon the delatioun of anie minister, or other subject whatsomever, sall be called and punished in all severitie: According to the which his Majestie's most religious and princelie commandement, we have thought good by these presents to signifie unto you his Majestie's royall pleasure, and our most willing dispositioun in everie point, by our best endeavoures to accomplishe the same; hereby earnestlie requiring you, that if anie subject sall presume to offer anie injurie or wrong to anie minister within your bounds, or if anie Papist, Jesuit, Seminarie preest, excommunicated persoun, sall publictlie or privatlie have anie recept, supplee, maintenance, or favour within your said bounds, that yee immediatlie delate the same to us, or to his Majestie's advocats and their deputeis; furnishe sufficient informatiouns, wherupon processe may be deduced: After the which, we sall not faile to see the lawes putt in executioun against them, without anie spairing, as we sall be answerable to his Majestie upon our highest perrell. Thus, not doubting of your charitable judgement of all his Majestie's most just and religious proceedings, founded upon the remembrance of his dealing which was with you, and of your zealous prosecuting of all kinde of contempt that may staine the puritie of your pro-

fessioun; and of your effald concurse with us, in all things that may tend to the peace of the kirk, we committ you to God. From Perth, the 27th of August 1605. "AL. Cancellarius.

"J. Secretar."

The presbyterie ordeaned Mr James Melvill to penne an answere, to be sent to the counsell, which followeth:—

"To our verie good Lords, the Lords of his Majestie's most Honourable Counsell.—After our duetie with all humilitie and reverence in the Lord premitted. Please your Honours understand, that we receaved your Lordships' letter of the date from Perth, the 27th of August, being together at our presbyterie the thrid of October; and, therefore, the late deliverie of your letter makes our answere to be so long of returning to your Lordships. We thanke God with all our hearts, for his Majestie's fatherlie love, to have the sinceritie of religioun established for him and his posteritie to the world's end, and to have the preachers therof honoured and regarded in their calling; to have the enemeis rootted out, and trode under foote, and the lawes executed with all rigour against them, and so furth, as your Lordships' letter beareth at lenth. And we pray God most earnestlie, to grant his most excellent Majestie heere on earth a long and prosperous raigne, with health, wealth, and high honour, and suche abilitie of gifts and graces from above, as may bring furth a constant and faithfull kything of the same: As also, to his Hienesse' posteritie, even to the world's end, for advancement of the kingdome of Christ, and his and their eternall raigning with him in heaven's glorie.

"But anent the narrative of your letter, may it please your Honours to heare the truthe of our hearts, as becomes the messingers of the Lord Jesus to deliver the same freelie and plainlie. We are even wounded with sorrow and greefe, that our deere soverane being so godlie, and loving, and wise a king, shynning among Christian princes as the moone among the starres, by evill informatioun, and for want of good counsell, sould offer suche occasioun of disquietnesse in the mindes of people, and arme the insolent

Atheists and Papists to despise and misregarde the ministers of Christ; or rather, most humblie on our knees craving his Majestie's pardoun, that in anie thought of heart, or word of mouth, we sould impute anie thing to his Hienesse, we must thinke it strange that your Honours, his Majestie's officers of justice, the legges and armes, hands and feete of his sacred persoun in governement of this realme, sould offer suche occasioun, not to the people or congregatiouns of his most excellent Majestie's dominiouns onlie, but to all Christians throughout all Christendome, as for a bare mint to the discharging of a most necessar duetie to Christ and his kirk, upon the evident warrants of the Word of God, constitutiouns and customes of our kirk ever since the Reformatioun, Confessioun of Faith published so oftin by the king's Majestie, and now translated in all Christian languages, expresse lawes of the countrie, and appointment of a certane day by his Majestie's commissioner in ecclesiastick causes, and commissioners of the Generall Assemblie of the Kirk of Scotland, to have plucked away so manie of the most learned, godlie, and faithfull pastors of the kirk from their flockes, charges, and kirks, in so pitifull a tyme of the fearefull hand of God lying on them by this plague of pestilence, and unseasonable weather in tyme of harvest, and to have cast them, as malefactors, in wairds and prisouns.

"The number yee call few of discontented spirits and factious. It is true, that a few number keeped that Assemblie. But it is als true, that the commissioners of the whole presbytereis of Scotland sould have keeped, and would have keeped, the day appointed, if extraordinarie tempest of weather, and policie used, had not stayed them. And as for discontented spirits, if yee would have the number showed you, it is of the whole Kirk of Scotland, excepting a verie few, who, for their owne advancement in the world, is about to overthrow the heavenlie kingdome of Jesus Christ, so notablie established and so long continued within this realme. And as for the factioun, they have no other than that from the beginning of the light of the Gospell within this yland, and wherof who are sure, will yitt give their lives, and all that

they have, for the keeping of the same, against whatsomever endeavours of Papists, atheists, libertins, and licentious; and if they be straited to the uttermost, will committ it to God, and resolve to dee therefore. Continue in this course who so will, ather they will find another number of discontented spirits, and bodeis both, as they cannot represse, or then Christ will take his owne caus in his owne hand, and weild that scepter of yron, to breake the greatest in schairds, as earthen vessells. Call this fierie, call it foolish, call it phrenetick as men will, the terrour of our Lord, who may cast both bodie and soule in everlasting and unquenchable fire, and the duetie, love, and care that we carie toward our deere soverane, moves and compells us therunto. The Lord save our most Christian king and dread soverane from persecuting and scourging Christ Jesus, in the persouns of the poore ministers; and require it not at his hands that which is done alreadie, to manie thowsands of his Majestie's best subjects, that are hungered for want of the foode of their soules; but at the hands of evill informers and wicked counsellers, unlesse they repent and amend. Be it as we will be thought to be mad, and out of our witts, yitt the Lord knowes, it is to God, to the weale of his Majestie, and your weales, his honourable counsellers. And however yee thinke and accept of it, we have thought it best, and made choice rather to fall in the hands of men, nor of an evill conscience, to the perditioun of our soules, and of suche as are concredited to us. The Lord preserve his Majestie from being animated (as yee write) against the whole estat of the kirk, for that were too great a partie for all the powers in earth. We are compelled by our office, as we must be answerable in name of the King of kings, the Lord Jesus, to counsell you counsellers, to remember the counsell of the Holie Ghost in the secund Psalme, saying, 'Be wise, yee kings; be instructed, yee judges of the earth. Serve the Lord in feare, and rejoice in trembling. Kisse the Sonne, least he be angrie, and yee perishe from the way when his wrathe sall suddanlie burne.' As for our brethrein, they have done nothing, but upon a commissioun from the presbytereis, and a report again of their

doings, approved and allowed. And if we who gave them that commissioun sould leave them, we might justlie be esteemed vile and unhonest. Therefore, thinke them not a handfull, nor so few; for the moe yee seeke, the moe yee will find, till your prisouns be full, and the countrie emptie of the best. Therefore, if anie thing be amisse, it is the presbytereis, and not these commissioners, that sould be punished, whose judges ordinar in these maters is the Synodall and Generall Assembleis, according to the lawes; the which, if yee will overpasse in the cheefe maters and priviledges of the kirk, thinke not but the preparative will be taikin up by all the estats of the realme. And if so be, lett your Wisdoms consider, what peace and unioun that may procure. Thus with all humilitie beseeking your Honours to take in good part the free uttering of that which all godlie and good men meane, we pray the God of wisdom and peace to make your Honours wise in him, and faithfull, in giving counsell for the peace of the kirk and kingdome. From Pittimveme, the 8th of October, 1605."

In the meane tyme, perceaving that it was spokin plainlie, and evill taikin with by all the ministrie, that the Generall Assembleis were cleane taikin away, and never one to be permitted again in Scotland, they thought meete, that a Generall Assemblie sould be appointed and proclamed by the king, to take away that offence, and yitt to keepe his usurped right in that mater, as though no Assemblie sould or could be keeped without his appointment and ordinance.

The copie of the proclamatioun followeth, more English like nor Scotish:—

"By the King.

"Wheras we have, ever since it pleased God to establishe us in the imperiall throne of Great Britaine, equallie regarded the good of both the late kingdoms of Scotland and England, now happilie united in our royall persoun in one monarchie; ever minding to continue and mainteane the good and lovable customes

and lawes, whereby eache of them has beene, these manie ages, so worthilie governed; neverthelesse, some malicious spirits, enemeis to that commoun tranquillitie so muche desired by us, forgetting the manie prooffes, both publict and privat, which we have givin, of that our gracious affectioun to that our native and ancient countrie of North Britaine, (of the freedome, libertie, and priviledges wherof, we have at all occasiouns taikin so speciall a patrocinie, as the solemne assembleis of the estats of South Britaine, and commissioners from the estats of both kingdoms; have beene eye-witnesses,) have not beene ashamed to labour to pervert the mindes of our best affected subjects, that wheras the insolent and factious cariage of some of them both merited most severe animadversioun, they would insinuat themselves into the commiseratioun of the multitude, by assuming unto them a glorious professioun, of the mainteaning of the priviledges and authorized discipline, intended by us, as they affirme, to be utterlie overthrowne, by a suddane and unseasonable laying upon them at this present, the rites, ceremoneis, and whole ecclesiasticall order established in the church of this part of our kingdome of Britaine: And as we have ever carefullie regarded, how convenient it is to mainteane everie countrie in that forme of governement which is fittest, and can best agree with the constitutiouns therof, and how dangerous alteratiouns are, without good advice and mature deliberatioun; and that even in maters of the order of the kirk, in some small ylands under our governement, we have absteaned from suffering anie alteratioun; so doubt we not, but our good subjects will never be that credulous, contrarie the knowne truthe which hath ever appeared cleerelie in all our actiouns, as to be in anie doubt, but that in all our proceedings we have beene patrons of religioun and justice, inseparable conservers of all monarcheis, so hath all our studie and care ever beene, to retrinche and reforme all courses, that caried anie prejudice to that integritie wherat we have ever aimed. And as by so manie good lawes sett furth in our governement, justice hath atteaned to another perfectioun and splendour, than it had in anie

of our predecessors' tyme; and with painefull and unpleasant businesse, we have, in the discipline of the kirk, tane away innumerable abuses and corruptiouns, which, if they had not beene remedeid, had brought the puritie of religioun in extreme danger; yitt we hope, that none darre be so impudent as to affirme, that by anie soverane power or absolute commandement, we did the same, (although we enjoyed our authoritie als freelie as anie king or monarch in the world.) But as the diseases of the civill bodie were ever cured by advice of our three estats, so the defects of the church, by the helpe and counsell of these who had greatest interesse in them. So as the presumptioun of our bygane actiouns in our administratioun whill we were present, the prooffe of our fatherlie care toward that part of our kingdom since our residence heere, may be sufficient to secure us against all suche malicious calumneis. And howsoever in rule of policie, we can not but judge it convenient, that two estats, so inseparablie conjoynned, sould be drawin to als great conformitie in all things, as the good of both may permitt; and that no monarchie, ather in civill or ecclesiasticall policie, hath yitt atteaned to that perfectioun, that it needeth no reformatioun; or that infinit occasiouns may not arise wherupon wise princes will foresee, for the benefite of their states, just causes of alteratioun; yitt are we, and have beene ever resolved, not to make anie suddane or haistie change in the governement of that part of our kingdom, ather civill or ecclesiastick, but with verie grave advice and consent of our estats, and the wisest and best sort of them whom it most properlie concerneth; muche lesse, to trouble them with anie unnecessar alteratioun of indifferent and ceremoniall maters, and that, upon suche foreseene advantages, and preventioun of confusioun and evill to come, as the greatest enemeis of all peace, obedience of princes, and order in all governement, sall not be able to obtrude anie inconvenient to the contrare. And as by God's holie assistance, we have drawin that part of our kingdom out of infinit troubles, factiouns, and cruell barbariteis, and reduced the uttermost borders and confynes therof to God's obedience, and acknowledging of our lawes, (an estat never heard of before, since

this yland has beene inhabited,) so by the same divine providence, and our fatherlie care over the whole yland, we intend to transmitt the same in good order, happie quietnesse, and floorishing policie, to that posteritie wherewith God has blessed us, and after them, to the world's end; lyke as for the more verificatioun of our honourable intentioun, and to stoppe the mouths of these unquiett spirits, raisers of that false scandall of alteratioun, we have appointed a Generall Assemblie to be holdin at Dundie, the last Tuisday of Julie,[1] wherat we expect reparatioun of these disorders, in so farre as belongeth to their censure; and to be fred in tyme comming of all suche calumneis.

"Givin at our Honnour of Hamptoun Court, the 26th day of September 1605, in the thrid yeere of our raigne of Great Britaine, France, and Ireland.

"God save the King."

Printed at Edinburgh by Robert Charters,
Printer to the king's Majestie. 1605

This proclamatioun was printed a little before the wairded ministers were summouned to compeere before the counsell, to extenuat the rigour that was to be used against them; and Mr Henrie Blyth was sett at libertie, to gull the people. But the imprissouned brethrein were keeped two and two in sindrie chambers, and none could gett accesse unto them. Upon the thrid of October, was directed from Perth a libelled summouns, at the instance of the king's advocat, against the ministers imprisouned in Blacknesse, Dumbartane, Stirline, Downe, charging them to compeere personallie before the Lords of Secreit Counsell at Edinburgh, upon the 24th of October instant, to heare and see it found and declared, that they have contemptuouslie and seditiouslie conveenned and assembled themselves at Aberdeen, &c., and therefore, the said Assemblie, and approbatioun therof, decerned and declared unlawfull, and so to be reputed and esteemed in all

[1] No mention in what yeere, and so "*ad Græcas Calendas.*" *Note in the Original.*

tyme comming; and they to be punished in their persons and goods, for the unlawfull conveenning, holding, and approving of the same. The tenour of the summouns heere followeth:—

THE WAIRDED MINISTERS SUMMOUNED BEFORE THE COUNSELL.

"JAMES, by the Grace of God, King of Great Britaine, France, and Ireland, Defender of the Faith, to our lovits, Robert Logane, &c., messingers, shireffs in that part. Forasmuche as it is humblie meanned and showne to us, by our trustie and familiar counseller, Sir Thomas Hammiltoun of Monkland, knight, our advocat, That where in the parliament holdin at Edinburgh in the moneth of Junie, the yeere of God 1592 yeeres, there was a speciall provisioun made, concluded, and agreed upon by our estats, in the act anent the libertie of the Generall Assembleis of the kirk, that we or our commissioner sould be present with the ministers at ilk Generall Assemblie; and being present in the toun or place where the same held, sould, before the dissolving therof, nominat and appoint tyme and place when and where the nixt Assemblie sould be holdin, as in the act of parliament conteaning the provisioun foresaid is conteaned: And true it is, that we having signified our will and pleasure to the commissioners of the kirk, that we, for manie great and weightie consideratiouns, could not be resolved anent the tyme of the Assemblie, which was appointed to have beene holdin at Aberdeene, upon the secund of Julie last, for the approaching parliament; the saids commissioners, according to our expresse commandement and directioun, acquainted the whole presbytereis of our realme with our pleasure anent that mater; and willed and commanded them to forbeare all conveenning and meeting, for holding of the said Assemblie: notwithstanding it is of truthe, that a verie few number of the ministrie, as namelie, the persons underwrittin; they are to say, Mr Johne Forbesse, Mr Johne Schairp, Mr Robert Durie, Mr Alexander Strauchane, Mr Andrew Duncane, Mr Charles Farholme, Mr James Irwing, Mr Johne Monro, Mr William Forbesse, minister at Kinleuchog, of whom there were

not passing eight or ten or thereby, authorized with commissioun from their presbytereis; at least, there were not eight or ten presbytereis at the most, who directed and sent anie commissioners; most unlawfullie, contemptuouslie, and seditiouslie, misregarding our will and commandement signified to them in maner foresaid, conveenned themselves in the kirk of Aberdeene, on the said secund day of Julie last; and likewise, contemned the charge of horning proceeding upon an act of Secreit Counsell, and executed against them the day preceeding, anent their dissolving, and suffering of their Assemblie to desert, they, on their pretended maner, beginne to hold their Assemblie; and the Laird of Lawrestoun, our commissioner, being with them, and having first presented unto them a missive letter of the Lords of our Secreit Counsell, whereby the said lords earnestlie requeisted them to suffer that dyet to desert: which requeist of the Lords of our Privie Counsell, in our name, was and sould have beene acknowledged and obeyed as a commandement, of all duetifull subjects. As also, having at lenth declared unto them our will and pleasure, that nothing sould be done at that tyme, and therafter, he himself having altogether disassented from anie thing treatted or done by them, they neverthelesse resolved to proceed, without removing of suche as were upon leit, without the moderator of the preceeding Assemblie, and the ordinar clerk, who were the cheefe and principall persons requisite in that meeting; they went fordward, and most unformallie and unorderlie made choice of a moderator, suffering them to be present at the voting of their owne electioun, and elected a new clerk, and made indictioun of a new Assemblie: And so on their pretended maner held their Assemblie; which Assemblie is most unlawfull in the self, not onlie becaus of the discharge of the commissioners of the kirk, and charge of the Lords of our Secreit Counsell, executed against them, and missive letter delivered, and disobeyed as said is, and our commissioner being present in the toun where they conveenned and mett, and altogether disassenting from anie thing which was to be done by them, without whose speciall advice and consent, according to our said

act of parliament, it was not lawfull for them to conveene to doe anie thing; but also, becaus the moderator of the last Assemblie was not present, their pretended moderator was not lawfullie elected, their ordinar clerk absent, no lawfull clerk orderlie chosin in his place, and a number of them not authorized with commissioun from their presbytereis; being so small, as not making the fyft part of the presbytereis within the realme, could no way by law, reasoun, or good order, make an Assemblie. As also, Mr Nathan Inglis, minister at Craigie; Mr James Greg, minister at Lowdoun; Johne Rosse, minister at Blair; Mr Johne Welshe, minister at Air, upon the fyft and sixt dayes of the said moneth of Julie respective, resorted unlawfullie to the said burgh of Aberdeen; and understanding it was notour and manifest to all men there, how unduetifullie and contemptuouslie the said ministers proceeded to their unlawfull Assemblie, without all forme, order, reasoun, necessitie, or preceeding exemple, conveenned themselves unlawfullie, and ratified and approved the proceeding of their said brethrein, contrarie our will, and the will of the Lords of our Secreit Counsell, declared in maner foresaid; and tooke instruments therupon. And therefore, not onlie ought the said Assemblie to be declared unlawfull, but the persons foresaids, who most contemptuouslie and unlawfullie held and ratified the same, in contempt of us and the Lords of our Privie Counsell, and against the provisioun foresaid conteanned in the act of parliament, ought to be persued and punished for the same, to the terrour of others to doe the like.

"Our will is heerefore, yee passe, and in our name and authoritie command and charge the whole persons particularlie above writtin, to compeere personallie before the Lords of our Secreit Counsell, at Edinburgh, or where it sall happin them to be for that tyme, upon the 24th day of October instant, to heare and see it be found and declared, that they have verie contemptuouslie and seditiouslie conveenned and assembled themselves, and proceeded in the said actiouns the tyme foresaid; and therefore, their said Assemblie, and approbatioun therof foresaid, decerned and declared

to be unlawfull, and so to be reputed, holdin, and esteemed, in all tyme comming, and they to be punished in their persons and goods, for their unlawfull having, holding, and approving of the same, as said is, or ellis to shew a reasonable caus why the same sould not be done. With certificatioun to them and they failyie, that the Lords of Secreit Counsell will decerne and declare in maner foresaid; and that they compeere personallie to the effect foresaid, under the paine of rebellioun, and putting of them to our horne, and they failyie. With certificatioun to them, and they failyie, our other letters sall be directed simplie, to putt them thereto, and escheat," &c.

The brethrein from all their wairds, viz., Blacknesse, Stirline, Downe, and Dumbartane, compeering the 24th of October, gave in first a Supplicatioun to the counsell as followeth:—

THE SUPPLICATIOUN OF THE MINISTERS IN WAIRD TO THE LORDS OF COUNSELL.

"My Lords of Secreit Counsell,—Unto your Lordships humblie meanes and showes, we, the ministers of the Gospell of Jesus Christ, who have beene called before your Lordships, and imprissouned the space of three weekes or thereby, for conveenning in the Generall Assemblie holdin at Aberdeene, the first Tuisday of Julie bypast: That forasmuche as we are charged *de novo* to compeere personallie before your Lordships at Edinburgh, the 24th of October instant, to heare and see it be found and declared, that we have verie contemptuouslie and seditiouslie conveenned and assembled our selves, and proceeded in our actiouns in the said Assemblie, and, therefore, the samine, and approbatioun therof, decerned and declared unlawfull, as in the summoums executed against us theranent at more lenth is conteaned: Which forme of summouns and proceeding before your Lordships against us is altogether prejudiciall to the authorized discipline of the Kirk of Scotland, and contrarie to the lovable order observed within this realme; becaus it is of veritie, that by the warrant of the Word

of God, discipline of the Kirk of Scotland, acts of parliament made in favours of the same, and practise since the reformatioun of religioun, that all spirituall maters anent doctrine and discipline have beene, and ought to be, cognosced and judged by the kirk allanerlie, as competent judges thereto. And true it is, that the lawfullnesse, approbatioun, or disallowance of a Generall Assemblie, or proceedings therof, is a mater spirituall, and the Generall Assemblie following, has ever allowed or disallowed, as they have found just reasoun and caus, the Assembleis preceeding, and things done therin; as is evident, in the Generall Assemblie holdin at Dundie, 1597, which declared and allowed the preceeding Assemblie holdin at Perth, and proceedings therof, to be lawfull, his Majestie being present at both. 2. Becaus it is expresselie sett doun in his Majestie's late proclamatioun, that his Majestie expects reparatioun of misorders there, if anie be. 3. If your Lordships sall proceed against us for the caus above specified, your Lordships may give occasioun to conforme the ecclesiasticall and civill jurisdictiouns, which hitherto have beene, and are, by lawes and practises, happilie distinguished, to the great peace and unitie of the realme, praised be the name of God therefore. And if we have transgressed anie wise against anie civill law, we offer our selves most willinglie to be tryed and judged, conforme to order practised upon other his Majestie's subjects within this realme, the duteis and transgressiouns of our offices, if anie be, alwayes being remitted to the Judge Ordinar. Heerefore, we most humblie beseeke your Lordships, in the name of Jesus Christ, who sall judge the quicke and dead, to remitt the said caus and tryell therof to the said Generall Assemblie, as onlie judge competent thereto, and dimitt us in peace, that we may attend upon our callings, according to all equitie and reasoun. And your Lordships' answere hereunto we most humblie crave, and so muche the rather, becaus we have givin in to your Lordships diverse supplicatiouns heeranent of before, and have receaved no answere therunto."

This supplicatioun being presented and read, was alluterlie rejected, and the brethrein were urged by the advocat to answere

to the libell. Wherupon they were constrained to give in the declinatour following :—

THE WAIRDED MINISTERS' DECLINATOUR.

"My Lords of Secreit Counsell,—Please your Lordships, the approbatioun and disallowance of a Generall Assemblie has beene, and sould be, a mater and caus spirituall, and alwayes cognosced and judged by the kirk, as judges competent within this realme. And seing we are called before your Lordships, to heare and see it be found and declaired, that we have verie contemptuouslie conveenned and assembled our selves in a Generall Assemblie at Aberdeene, the first Tuisday of Julie last bypast; and, therefore, the said Assemblie, and approbatioun therof, to be decerned and declared to be unlawfull; as at more lenth is conteaned in the summouns executed against us theranent: We, in consideratioun of the premisses, and other reasouns to be givin in by us, have just caus to declyne your Lordships' judgement, as no wise competent in the caus above specified; and by these presents, we *simpliciter* declyne the same, seing we are most willing to submitt our selves to the tryell of the Generall Assemblie, onlie judges competent. By these presents, subscribed with our hands as followes, the 24th of October 1605.

(*Sic subscribitur*)

"Mr Johne Forbesse.	"Mr James Greg.
"Mr Robert Durie.	"Mr Charles Farholme.
"Mr Johne Welshe.	"Mr Robert Youngsone.
"Johne Rosse.	"Mr Johne Monro.
"Mr Johne Schairp.	"Mr William Forbesse.
"Mr Andrew Duncan.	"Mr James Irwing.
"Mr Nathan Inglis.	"Mr Alexander Strauchane."

THEIR ANSWERE TO THE LIBELL.

Notwithstanding of this declinatour, the Lords of Secreit Coun-

sell find themselves judges, and urge the ministers to answere to the libell. The brethrein, under protestation, and adhering to their declinatour, gave in the answers to the libelled summouns, as after followeth, for cleering of their caus to the consciences of all men:—

"Our challenge, according to your Lordships' summouns, is, that we have assembled unlawfullie, and therefore sould be punished. The grounds alledged of our unlawfulnesse are two,—1. Seditioun and contempt, in that, as it is alledged, seditiouslie and contemptuouslie we conveenned, and held our Assemblie. 2. That we proceeded unorderlie. The reasoun of the alledged contempt and seditioun is, becaus, according to the act of parliament, 1592, 12, 1, it was not lawfull for us to conveene, or doe anie thing, without the speciall advice and consent of his Majestie, or his Majestie's commissioner, being there present. And it was assumed, that we have conveenned and proceeded, not onlie without his Majestie or his commissioner's consent, but contrarie to his expresse command and will, signified by the commissioners in their letter, and by your Lordships' missive letter, by Lawrestoun, his Majestie's commissioner, and expresselie against a publict charge of horning, proceeding upon an act of the Secreit Counsell executed against us the day preceeding; whereupon is concluded our contemptuous and seditious meeting. The reasouns alledged of our unformall and unorderlie proceeding are, becaus we proceeded without the presence of the former moderator, and of the ordinarie clerk, as principall persons requisite in that meeting. 2. Becaus we made choice of our moderator, without the removing of suche as were upon the leits; and elected a new clerk, without lawfull order or forme of processe used against the ordinarie clerk. 3. Becaus of our number authorized with commissioun from our presbytereis was so small, as not making the fyft part of the whole presbytereis within the realme. And therefore," &c.

"1. *Answere.* Suppose the whole libell were admitted, yitt does it not inferre the conclusioun of unlawfulnesse, ather of our meeting or proceeding; becaus the true caus of the lawfulnesse of an

ecclesiasticall meeting and actiouns are suppressed, which is the directioun and ordinance of the Lord, author and instituter of them, the Lord Jesus, according as he has prescribed and commanded in his Word, as King and Head of his kirk; and in stead of this ground, which gives the authoritie, civill approbatioun of our Christian soverane, moved of Christian duetie, in testificatioun of his subjectioun to Christ, and willingnesse to have all his subjects brought under humble obedience to the scepter of Christ, alledged as onlie warrant of suche meetings.

"2. *Answere.* The reasouns conteaned in the libell, considered apart, inferre not the conclusioun. And first, concerning the propositioun builded upon the act of parliament, it sall be found of no force, in respect nather expresselie, nather by illatioun, sall it be found in the act of parliament alledged. 1. Becaus the act is no instituting law of Assembleis, but a simple approbatioun of them, as they are appointed by the kirk. 2. Becaus the said approbatioun declairs, that it sall be lawfull to the kirk and ministers, everie yeere once, and oftener as occasioun sall require, to hold and keepe Generall Assembleis. 3. Becaus the provisioun therin conteaned imports no nullitie of the foresaid libertie and approbation therof, but rather the contrare; becaus it concernes no wise the actioun of conveening or holding Assembleis, but onlie the nominatioun of the circumstances of tyme and place of the nixt Assemblie, and that not simplie, but upon conditioun of their presence where the Assemblie is holdin; nather yitt absolutelie, although they be present, but conjunctlie with the Assemblie. And lastlie, becaus the said provisioun in the last part therof expresselie beares, that it sall be lawfull to the kirk by themselves, without ather his Majestie or commissioner, incace of their absence, to nominate tyme and place of the nixt Assemblie; and so, consequentlie, that they may be lawfullie assembled, and proceed without ather his Majestie or his Majestie's commissioner's presence or consent.

"Now, to the assumptioun: And first, tuiching the commissioner's letter, 1. The said letter conteaned no command, but simplie advice. 2. We had a more authentick and more evident significatioun of

his Majestie's will in the contrare, by the act of the Generall Assemblie at Halyrudhous; by the which act all power was taikin from the commissioners of the Generall Assemblie, by his Majestie's consent there present, to make anie alteratioun, drift, or delay of the dyet of the Generall Assemblie; the said act being made for removing the just conceaved greefe of the kirk, upon the like abuse in their persons of before. 3. The said letter was directed to our presbytereis, and not to us in particular, sua that we who conveenned there, as commissioners directed from our presbytereis, who had power to command us, ought not to be challenged for disobedience, but rather our presbytereis, who did direct us, if anie caus of accusatioun might be justlie alledged. 4. The advice of the said letter was not to be obeyed, becaus it was unlawfull, and contrare to the libertie approved by the act of parliament foresaid, and continuall custome and practise of the kirk, it conteaning an advice of delay, without anie certantie of a new day, which imported a plaine desertioun, rather than anie lawfull continuatioun. 5. Albeit it sould have beene obeyed, yitt our meeting can be compted no disobedience unto it, becaus it advised us not to keepe the fyft day, which day we keeped not, our Assemblie holding the secund day.

"Secundlie, as tuiching your Lordships' letter, 1. We can not be accused of contempt in our meeting, in respect, by the Laird of Lawrestoun his owne knowledge, advice, and consent, we were conveenned, and our conventioun sanctified by incalling of the name of God, before the said missive was presented to us. 2. Becaus so farre therof as lawfullie might be obeyed without prejudice of the libertie of the kirk, the practise therof, and approbatioun of that libertie conteaned in the law; and without guiltinesse of perjurie against our oath, not onlie to the maintenance of our discipline, according as is conteaned in the Confessioun of our Faith, but also to the obedience of his Majestie's law, and our ordinar in God, at our admissioun to our callings, was reverentlie obeyed, and fullie satisfied.

"Thridlie, tuiching his Majestie's commissioner's credit and

disassenting: 1. He made no oppositioun to our meeting and doun sitting, but consented thereto. 2. He presented unto us the counsell's letter; desired it to be read, considered, and answered; and removed to that effect. 3. He acquiesced, and was satisfied with the obedience givin to the first part of the letter tuiching our dissolving; and as tuiching the secund part, anent the nominatioun of a new day, he denyed that he had anie commissioun therin at all, and therefore refused, ather by himself or with us, according to the act of parliament, to appoint anie new day.

"Fourthlie, concerning his charge of horning alledged executed the day before: 1. We can not be justlie convicted of contempt, in respect no intimatioun of anie suche charge was made to us, ather by himself or by his officer, or anie other in his name; nather was it knowne to us, as we are readie to justifie by our oath. 2. Becaus the said Laird of Lawrestoun, being conveenned with us, did give us just occasioun, by his speeche, to conceate no suche thing; affirming, that although he might have had charges, yitt he would rather use your Lordships' letter of requeist. 3. We can not be perswaded, that ather the commissioner, officer, or witnesses, will byde by that charge. 4. Although the executioun were true, yitt it can not import the punishment conteaned in the libell, considering it is not according to the act of parliament, James VI., parl. 11, 1587, which beares, that no letters which import tinsell of life or moveable goods sall be of force, except they be executed in opin tyme of day, betuixt eight houres in the morning and twelve houres at noone, before famous witnesses. And it is of truthe that the indorsatioun of that pretended executioun beares, that they were executed betuixt seven and eight at even. Lastlie, becaus we testified our obedience in satisfeing the charge which was givin on Tuisday, the secund of Julie, personallie, as the instruments taikin upon our obedience testifie. This farre to the particular parts of the assumptioun, to cleere our selves of all contempt.

"Now, farther, albeit all the former foure grounds of intimatioun of his Majestie's will were true, and had come to our know-

ledge, yitt can we no wise be found guiltie of contempt or seditioun in our meeting or proceeding, in respect of the act of parliament, James VI., parl. 6, 1579, act 92, and law made in Robert the Secund's dayes, *citat. De Verborum Significatione*, both freing the civill judgement and jurisdictioun from all contempt of his Hienesse' authoritie, or your Lordships of the Secreit Counsell, albeit they sould proceed in judgement according to the law, notwithstanding of anie privie writting, charge, or command, directed in the contrare by his Majestie, or Lords of the Secreit Counsell, or anie command directed to them under the great seale, privie seale, or signet, repugnant to the law; wherupon it must follow, muche more a spirituall judicatorie, that has not institutioun nor ground from anie civill authoritie, but from the Word of God, which is in nature different, distinguished by the ordinance of God and lawes of the land, and albeit not instituted, yitt approved by the acts of parliament, may proceed lawfullie, notwithstanding of anie foresaid significatioun of his Majestie's will in the contrare, or your Lordships of the Secreit Counsell, and yitt be free of all contempt or seditious proceeding. 2. Becaus his Majestie's commissioner was not onlie present with us, but agreed to our doun sitting; acknowledged our authoritie by presenting your Lordships' missive, and willing us to answere to it, and by consenting to diverse things done by us in that meeting. This farre for answere to the heeds of the libell.

"Now, for justifeing the lawfulnesse of our meeting, we have subjoynned the reasons following:—

"1. Becaus it is done by the warrant and authoritie of the Word of God. 2. Becaus it is according to the approbatioun of the civill law. 3. Becaus it was a conventioun of lawfull persons, having a lawfull calling for a lawfull end. 4. Becaus there is nothing concluded contrare ather the law of God, the civill law of the land, constitutiouns, and customes of the kirk. 5. Becaus although the alledgance of the libell were admitted, we had a sufficient warrant of his Majestie's commissioners, and the commissioners of the Generall Assemblie, subscribed with their hands,

designing and appointing both tyme and place of our Assemblie. As for the formalitie of our proceeding, our worke being suche as concerneth the governement of the hous of God, and so, therin subject to the censure of the overseers of God's hous, as ever hitherto, so yitt we submitt ourselves and our doings to be censured and judged according to the Word of God, by a lawfull and free Generall Assemblie.

"The challenge of us who came afterward and approved it, is, that our approbatioun is unlawfull; therefore, we to be punished. The reasoun to prove the unlawfulnesse is, becaus we resorted unlawfullie to Aberdeene, and understood that it was notour and manifest to all men there, that our brethrein had unduetifullie and contemptuouslie proceeded to their Assemblie.

"*Answere.* First, to our comming, wee had the same warrant of God's Word, approbatioun of the civill law, the same calling and commissioun from our presbytereis; so that if anie unlawfulnesse be in our comming, it must be in the tyme, which is not to be imputed to us, but to the commissioners, who, by the errour of their letter, disappointed our presbytereis and us of the right day. 2. As to our knowledge of the unlawfulnesse of our brethrein's proceedings, we are readie to purge our selves, that nather then, nor by anie tryell since, did we, or can we understand anie unlawfulnesse or contempt in their proceeding. 3. Seing our approbatioun concernes their writtin processe allanerlie, according to the subscribed copie therof which we receaved, reasoun and law would necessarilie require, that their proceeding sould first by a lawfull tryell of a free Generall Assemblie be found and declared unlawfull, before our approbatioun in anie wise be condemned. 4. Seing in the said copie of their proceeding, which we have approved, there is no significatioun of anie preceeding charge givin unto them by the Laird of Lawrestoun, wherupon ather disobedience or contempt might follow, but onlie of a subsequent charge givin personallie and fullie obeyed, our approbatioun is so farre from convicting us of contempt or seditioun, that by the contrare, it cleeres our willing obedience, by the approbatioun of their obedi-

ence in that part. Lastlie, it is against all order, forme, equitie, and reasoun, and former exemple, that commissioners directed from a presbyterie sould be challenged for executing their commissioun, wherin they are directed by their presbyterie, and whose executioun is approved by their presbytereis.

"We give in this, under protestatioun, that we no wise admitt your Lordships as judges competent in this caus persued against us anent the Generall Assemblie; and these presents are onlie to cleere us of the alledged crimes libelled against us."

The counsell, notwithstanding of their declinatour, and answeres foresaid under protestatioun, giveth out sentence against the Assemblie, and them that held the same, conforme to the summouns; so remitted the prisoners to their wairds.

The parliament of England was to sitt doun upon the fyft of November. Two or three dayes before was discovered a terrible conspiracie of some Papists, who had resolved to blow up the parliament hous with powder, when the king and estats sould be conveenned in it.

THE KING'S SPEECHE IN THE LAST SESSION OF THE PARLIAMENT, ALS NEERE HIS VERIE WORDS AS COULD BE GATHERED AT THE INSTANT.

"My Lords spirituall and temporall, and you, the knights and burgesses of this parliament: It was farre from my thoughts, till verie latelie before my comming to this place, that this subject sould have beene ministred unto me wherupon I am now to speeke. But now, it so falleth out, that whereas in the preceeding sessioun of this parliament, the principall occasioun of my speeche was, to thanke and congratulat all you of this hous, and in you, all the whole commoun wealth, (as being the representative bodie of the state,) for your so willing and loving receaving and embracing of me in that place, which God and nature, by discent of blood, had in his owne tyme provided for me; so now, my subject is, to speeke of a farre greater thanksgiving than before I gave to you; being

to a farre greater persoun, which is to God, for the great and miraculous deliverie he has at this tyme granted unto me and to you, and, consequentlie, to the whole bodie of this estate.

"I must therefore beginne with this old and approved sentence of divinitie, '*Misericordia Dei supra omnia opera ejus.*' For Almightie God did not furnishe so great mater to his glorie by the creatioun of this great world, as he did by the redemptioun of the same; nather did his generatioun of the little world, in our old and first Adam, so muche sett furth the praises of God in his justice and mercie, as did our regeneratioun in the last and secund Adam. And now, I must crave a little pardoun of you, that since kings are in the Word of God it self called gods, as being his lieutenents and vicegerents on earth, and so adorned and furnished with some sparkles of the Divinitie, to compare some of the workes of God, the great King, toward the whole and generall world, to some of his workes toward me, and this little world of my dominiouns, compassed and sivvered by the sea from the rest of the earth. For as God, for the just punishment of the first great sinnes in the originall world, when the sonnes of God went in to the daughters of men, and the cuppe of their iniquiteis of all sorts was filled and heaped up to the full, did by a generall deludge and overflowing of waters baptize the world to a generall destructioun, and not to a generall purgatioun, (onlie excepted Noah and his familie, who did repent, and beleeve the threatnings of God's judgements,) so now, when the world sall waxe old as a garment, and when all the impieteis and sinnes that can be devised against both the first and secund table, have and sall be committed to the full measure, God is to punishe the world the secund tyme by fire, to the generall destructioun, and not purgatioun therof; although, as was done in the former, to Noah and his familie, by the waters, so sall we that beleeve be likewise purged, and not destroyed by the fire.

"In the like sort, I say, I may justlie compare these two great and fearefull doomesdayes, wherewith God threatned to destroy me, and all you of this little world that have interest in me. For although I confesse as all mankinde, so cheefelie kings, as being in

the higher places, like the high trees, or stayest* mountains, and steepest rockes, are most subject to the daylie tempests of innumerable dangers, and I amongst all the kings have ever beene subjects unto them, not onlie ever since my birth, but even, as I may justlie say, before my birth, and whill I was yitt in my mother's bellie; yitt have I beene exposed to two more speciall and greater dangers than all the rest. The first of them, in the kingdom where I was borne, and passed the first part of my life; and the last of them heere, which is the greatest. In the former, I sould have beene baptized in blood, and in my destructioun, not onlie the kingdom wherin I then was, but yee also, by your future interest, sould have tasted of my ruine. Yitt it pleased God to deliver me as it were from the verie brinke of death, from the point of the dagger, and so to purge me by my thankefull acknowledgement of so great a benefite. But in this which did so latelie fall out, and which was a destructioun prepared not for me alone, but for you all that are heere present, and wherin no ranke, age, nor sexe sould have beene spaired, this was not a crying sinne of blood, as the former; but it may weill be called a roaring, nay, a thundering sinne of fire and brimstone, from the which God hath so miraculouslie delivered us all. What I can speeke of this I know not. Nay, rather, what can I not speeke of it? And, therefore, I must for horrour say with the poet, '*Vox faucibus hæret.*'

"In this great and horrible attempt, wherof the like was never ather heard or read, I observe three wonderfull, or rather miraculous events. First, in the crueltie of the platt it self, wherin can not be eneugh admired the horrible and fearefull crueltie of their device, which was not onlie for the destructioun of my persoun, nor of my wife and posteritie onlie, but of the whole bodie of the state in generall, wherin sould neither have beene spaired, nor distinctioun made, of young nor of old, of great nor of small, of man nor of woman. The whole nobilitie, the whole reverend clergie,

* Steepest.

bishops, and most part of the good preachers; the most part of the knights and gentrie; yea, and that if anie in this societie were favourers of their professioun, they sould all have gone one way; the whole judges of the land, with the most of the lawyers, and the whole clerks; and, as the wretche himself that is in the Towre doeth confesse, it was purposelie devised by them, and concludit to be done in this hous, that where the cruell lawes (as they say) were made against their religioun, both place and persons sould all be destroyed and blowne up at once. And then, consider there withall the cruell forme of that practise. For by three indifferent sorts in generall may mankinde be putt to death. The first, by other men and reasonable creatures, which is least cruell; for then both defence of men against men may be expected, and likewise, who knoweth what pitie God may stirre up in the hearts of the actors, at the verie instant, beside the manie wayes and meanes whereby men may escape in suche a present furie? And the secund way, more cruell than that, is by animal and unreasonable creatures: for as they have lesse pitie than men, so is it a greater horrour, and more unnaturall for men to deale with them. But yitt, with them both resistance may availl, and also some pitie may be had, as was in the lyouns in whose denne Daniel was throwne, or that thankefull lyoun that had the Roman slave in his mercie. But the thrid, which is most cruell and unmercifull of all, is the destructioun by insensible and inanimate things; and amongst them all, the most cruell are the two elements of water and fire, and of these two, the fire most raging and mercilesse.

"Secundlie, how wonderfull is it, when you sall thinke upon the small, or rather no ground, wherupon the practisers were entised to invent this tragedie. For if these conspiratours had onlie beene bankerupt persons, or discontented upon occasioun of anie disgraces done unto them, this might have seemed but to have beene a worke of revenge. But for my owne part, as I skarselie ever knew anie of them, so can they not alledge so muche as a pretended caus of greefe: and the wretche himself in hand doeth confesse that there was no caus moving him or them, but merelie and onlie reli-

gioun; and speciallie, that Christian men, at least so-called, Englishmen borne within the countrie, and one of the specialls of them my sworne servant in a honourable place, sould practise the destructioun of their king, his posteritie, their countrie, and all wherin their following obstinacie is so joynned to their former malice, as the fellow himself that is in hand can not be moved to discover anie signes or notes of repentance, except onlie that he doeth not yitt stand to avow that he repents for not being able to performe his intent.

"Thridlie, the discoverie heerof is not a little wonderfull, which would be thought the more miraculous by you all, if ye were als weill acquainted with my naturall dispositioun, as these are who be neere about me. For as I ever did hold suspicioun to be the sickenesse of a tyrannie, so was I so farre upon the other extremitie, as I rather contemned all advertisements or apprehensiouns of practises. And yitt now, at this tyme, was I so farre contrarie to my self, as when the letter was shewed to me by my secretarie, wherin a generall obscure advertisement was givin of some dangerous blow at this tyme, I did upon the instant interprete and apprehend some darke phrases therin, contrarie to the ordinar grammar construction of them, (and in another sort, I am sure, than anie divine or lawyer in anie universitie would have taikin them,) to be meant by this horrible forme of blowing us up all by powder; and therupon ordered that searche to be made, whereby the mater was discovered and the man apprehended; whereas, if I had apprehended or interpreted it to anie other sort of danger, no worldlie provisioun or preventioun could have made us escape our utter destructioun. And in that also was there a wonderfull providence of God, that when the partie himself was taikin, he was but new come out of his hous from working, having his fire-worke for kindling readie in his pocket; wherewith, as he confesseth, if he had beene taikin immediatlie before, when he was in the hous, he was resolved to have blowne up himself with his takers.

"One thing, for my owne part, have I caus to thanke God, in that if God for our sinnes had suffered their wicked intents to have

prevailed, it sould never have beene spokin nor writtin in ages succeeding, that I had died inglorioulie in an ale-hous, a stewes, or suche vile place; but myne end sould have beene with the most honourable and best companie, and in that most honourable and fittest place for a king to be in, for doing the turnes most proper to his office. And the more have we all caus to thanke and magnifie God, for this his mercifull deliverie, and speciallie, I for my part, that he has givin me yitt once leave, whatsoever sould come of me heerafter, to assemble you in this honourable place; and heere, in this place, where our generall destructioun sould have beene, to magnifie and praise him for our generall deliverie, that I may now justlie say of myne enemeis and yours, as David doeth oftin say in the Psalmes, '*Inciderunt in foveam quam fecerunt.*' And since Scipio, an ethnick, led onlie by the light of nature, that day that he was accused by the tribuns of the people of Rome, for mispending and waisting in his Punick warres the citeis treasure, even upon the suddane, brake out with that diversioun of them from that mater; calling them to remembrance, how that day was the day of the yeere wherin God had givin them so great a victorie against Hannibal, and, therefore, it was fitter for them all, leaving other maters, to runne to the temple to praise God for that so great deliverie, which the people did all follow with an applause; how muche more caus have we, that are Christians, to bestow this tyme, in this place, for thanksgiving to God for his great mercie, though we had no other earand of assembling at this tyme; wherin if I have spokin more like a divine than would seeme to belong to this place, the mater it self must pleade for myne excuse: for being heere come to thanke God for a divine worke of his mercie, how can I speeke of this deliverance of us from so hellish a practise, so weill as in the language of divinitie, which is the direct opposite unto so damnable an intentioun? And therefore may I justlie end this purpose as I did beginne it, with this sentence, 'The mercie of God is above all his workes.'

"It resteth now, that I sould shortlie informe you what is to be done heerafter, upon the occasioun of this horrible and strange

accident. As for your part, that are so burnt up with zeale in this earand, and your tongues so readie to utter your duetifull affectiouns, and your hands and feete so bent to concurre in the executioun therof, (for which, as I need not to spurre you, so I can not but praise you for the same;) as it may verie weill be possible, that the zeale of your hearts sall make some of you, in your speeches, rashlie to blame suche as may be innocent of this attempt; but upon the other part, I wishe you to consider, that I would be sorie that anie, being innocent of this practise, ather domesticall or forraine, sould receave blame or harme for the same. For although it can not be denied, that it was the onlie blind superstitioun of their errours in religioun that led them to this desperat device, yitt doeth it not follow, that all professing that Romish religioun were guiltie of the same. For as it is true, that no other sect of hereticks, not excepting Turke, Jew, nor Pagan, no, not even these of Calicute, who adore the devill, did ever mainteane by the grounds of their religioun, that it was lawfull, or rather meritorious, (as Romish Catholicks call it,) to murther princes or people, for querrell of religioun; and although particular men of all professiouns of religioun have beene, some theeves, some murtherers, some tratours, yitt ever when they came to their end and just punishment, they confessed their fault to be in their nature, and not in their professioun, (these Romish Catholicks onlie excepted;) yitt it is true on the other side, that manie honest men, blinded peradventure with some opiniouns of Poprie; as, if they be not sound in the questiouns of the reall presence, or in the number of the sacraments, or some suche schoole questioun, yitt doe they ather not know, or at least not beleeve, all the true grounds of Poprie, which is indeid the mysterie of iniquitie. And therefore doe we justlie confesse, that manie Papists, especiallie our forefathers, laying their onlie trust upon Christ and his merits, at their last breathe, may be, and oftin tymes are saved, deteasting in that point, and thinking the crueltie of Puritans worthie of fire, that will admitt no salvatioun to anie Papist. I, therefore, thus doe conclude this point, that as upon the one part, manie honest men, seduced with some errours of

Poprie, may yitt remaine good and faithfull subjects, so, upon the other part, none of these that truelie know and beleeve the whole grounds and schoole conclusiouns of their doctrine, can ever prove ather good Christians or faithfull subjects: and for the part of forraine states and princes, I may so muche the more acquite them and their ministers, of their knowledge and consent to anie such villanie, as I may justlie say, that in that point, I better know all Christian kings by my self, that no king or prince of honour will ever abuse himself so muche, as to thinke a good thought of so base and dishonourable a treacherie: Wishing you, therefore, that as God has givin me an happie peace and amitie with all other Christian princes, my nighbours, (as were even now verie gravelie told you by my Lord Chanceller,) so that you will reverentlie judge and speake of them in this cace. And for my part, I would wishe with these ancient philosophers, that there were a chrystall window in my breast, wherin all my people might see the secreitest thoughts of my heart; for then might you all see no alteratioun in my minde for this accident, further than in these two points: The first, cautioun and warinesse in government, to discover and searche out the mystereis of this wickednesse, als farre as may be: the other, after due tryell, severitie of punishment upon these that sall be found guiltie of so deteastable and unheard of villanie.

"And now, in this mater, if I have troubled your eares with an abrupt speeche, and undisgested in anie good methode or order, you have to consider, that an abrupt and unadvised speeche doeth best become, in the relatioun of so abrupt and unorderlie an accident. And although I have ordeanned the proroguing of this parliament untill after Christmasse, upon two necessarie respects; wherof the first is, that nather I nor my counsell can have leasure at this tyme, both to take order for the apprehensioun and tryell of these conspiratours, and also to await upon the daylie effaires of the parliament, as the counsell must doe: And the other reasoun is, the necessitie at this tyme of diverse of your presences, in your shires, that have charges and commandements there: for as these wretches thought to have blowne up in a maner the whole world

of the island, everie man being now come up heere, ather for publict causes of parliament, or ellis for their owne privat causes in law, or otherwise, so, these rebells that now wander through the countrie, could never have gottin so fitt a tyme of safetie in their passage, or whatsoever unlawfull actiouns, as now, when the countrie, by the foresaid occasiouns, is in a maner left desolate and waste unto them. Besides, that it may be, that I desire you at your nixt sessioun, to take upon you the judgement of this cryme; for as so extraordinarie a fact deserveth extraordinarie judgement, so can there not, I thinke, (following even their owne rule,) be a fitter judgement for them, than that they sould be measured with the same measure wherewith they thought to measure us, and that the same place and persons whom they thought to destroy sould be the just avengers of so unnaturall a parricide.

"Yitt, not knowing that I will have occasioun to meete with you my self in this place, at the beginning of the nixt sessioun of this parliament, (becaus, if it had not beene for delivering of the articles agreed upon by the Commissioners of the Unioun, which was thought most convenient to be done in my presence, where both head and members of the parliament were mett together, my presence had not otherwise beene requisite heere at this tyme,) I have, therefore, thought good, for conclusioun of this meeting, to discourse to you somwhat anent the true nature and definitioun of a parliament, which I will remitt to your memoreis till your nixt sitting doun, that you may then make use of it as occasioun sall be ministred. For albeit it be true, that at the first sessioun of my first parliament, which was not long after myne entrie into this kingdom, it could not become me to informe you of anie thing belonging to law or state heere, (for all knowledge must ather be infused or acquired; and seing the former sort therof is now, with prophecie, ceassed in the world, it could not be possible for me at my first entrie heere, before experience had taught me, to be able to understand the particular mystereis of the state;) yitt now, that I have raigned almost three yeeres amongst you, and have beene carefull to observe these things that belong to the office of a king,

albeit that tyme be but a short tyme for experience in others, yitt in a king may it be thought a reasonable long tyme, especiallie in me, who, although I be but in a maner a new king heere, yitt have beene long acquainted with the office of a king, in suche another kingdom as doeth neerest of all others agree with the lawes and customes of this state. Remitting to your consideratioun to judge of that which has beene concluded by the commissioners of the Union, wherin I am at this tyme to signifie unto you, that as I can beare witnesse to the foresaid commissioners, that they have not agreed nor concluded therin anie thing wherin they have not foreseene, als weill the weale and commoditie of the one countrie as of the other; so can they all beare me record, that I was so farre from preassing them to agree to anie thing which might bring with it anie prejudice to this people, as by the contrarie, I did ever admonishe them never to conclude anie suche unioun, as might carie hurt or grudge with it to either of the said natiouns; for the leaving of suche things could not be but the greatest hinderance that might be to suche an actioun which God, by the lawes of nature, had provided to be in his owne tyme, and hath now in effect perfytted in my person. To which purpose, my Lord Chanceller hath better spokin than I am able to relate.

"And as to the nature of this high Court of Parliament, it is nothing ellis but the king's great counsell, which the king doeth assemble, ather upon occasioun of interpreting or abrogating old lawes, or making of new, according as evill maners sall deserve; or for the publict punishment of notorious evill-doers, or the praise and rewaird of the vertuous and weill deservers; wherin these foure things are to be considered:—1. Wherof this court is composed; 2. What maters are proper for it; 3. To what end it is ordeanned; and, 4. What are the meanes and wayes whereby the end sould be brought to passe.

"As for the thing it self, it is composed of an head and of a bodie. The head is the king, the bodie are the members of the parliament. This bodie again is subdivided into two parts, the Upper and the Lower hous. The Upper, compounded partlie of

nobilitie, temporall men, who are heritable counsellers to the high Court of Parliament, by the honour of their creatioun and lands; and partlie of bishops, spirituall men, who are likewise, by the vertue of their place and dignitie, counsellers, lyverenters, or *ad vitam* of this court. The other hous is compounded of knights for the shires, and gentrie and burgesses for the touns. But becaus the number would be infinite for all the gentlemen and burgesses to be present at everie parliament, therefore, a certane number is selected and chosin out of the great bodie, serving onlie for that parliament, where their persons are the representatioun of the bodie.

"Now, the maters wherof they are to treate ought therefore to be generall, and rather of suche maters as can not weill be performed without the assembling of that generall bodie; and no more of these generalls nather than necessitie sall require. For as *in corruptissima republica sunt plurimæ leges*, so doeth the life and strenth of the law consist, not in heaping up infinite and confused members of lawes, but in the right interpretatioun and good executioun of good and wholesome lawes. If this be so, then, nather is this a place on the one side, for everie rash and haire-brained fellow to propone new lawes of his owne inventioun. Nay, rather I could wishe these bussie heads to remember that law of the Lacedemonians, that whosoever came to propone a new law to the people, behoved publictlie to present himself with a rope about his necke, that incace the law was not allowed, he sould be hanged therewith. So warie sould men be of propounding novelteis, but most of all, not to propone anie bitter or seditious lawes, which can produce nothing but grudges and discontentment betweene the prince and his people; nor yitt is it, on the other side, a convenient place for privat men, under the colour of generall lawes, to propone nothing but their owne particular gaine, ather to the hurt of their privat nighbours, or to the hurt of the whole state in generall, which manie tymes, under faire and pleasant titles, are smoothelie passed over; and so by stealth procure, without consideratioun, that the privat meaning of them tendeth to nothing, but ather to

the wracke of a particular partie, or ellis, under colour of publict benefite, to pill the poore people, and serve, as it were, for a generall impost upon them, for filling the purses of some privat persons.

"And as to the end for which the parliament is ordeanned, being onlie for the advancement of God's glorie, and establishment and wealth of the king and his people, it is no place then for particular men to utter their privat conceats, nor for satisfactioun of their curiositeis; and least of all, to make shew of their eloquence, by tyming the tyme with long studied and eloquent orations. No, the reverence of God, their king, and their countrie, being weill settled in their hearts, will make them ashamed of suche toyes, and remember, that they are there, as sworne counsellers to their king, to give their best advice for the furtherance of his service, and the floorishing weale of his estate.

"And lastlie, if yee will rightlie consider the meanes and wayes how to bring all your labours to a good end, you must remember that you are heere assembled by your lawfull king, to give him your best advices in the maters proposed by him unto you, being of that nature which I have alreadie told; wherin you are gravelie to deliberat, and upon your conscience plainlie to determine, how farre these things propounded doe agree with the weale, both of your king and your countrie, whose weales can not be separated. And as for my self, the world sall ever beare me witnesse, that I sall never propone anie thing unto you, which sall not als weill tend unto the weale publict, as to a benefite for me, so sall I never oppone my self unto that which may tend unto the good of the commoun wealth, for which I am ordeanned, as I have oftin said. And as you are to give your advice in suche things as sall by your king be proposed; so is it on your part your dueteis to propone anie thing that you can, after mature deliberatioun, judge to be needfull, ather for these ends alreadie spokin of, or otherwise, for the discoverie of anie latent evill in the kingdom, which peradventure may not have come to the king's eare. If this then ought to be your grave maner of proceeding in this place, men sould be

ashamed to make shew of the quicknesse of their witts heere, ather in taunting, scoffing, or detracting the prince or state in anie point; nor yitt in breaking jests upon their fellowes, for which, the ordinareis or ale-houses are fitter places than this honourable and high Court of Parliament.

"In conclusioun then, since yee are to breake up, for the reasouns I have alreadie told you, I wishe suche of you as have anie charge in your countreis to haistin you home, for repressing of the insolenceis of these rebells, and apprehension of their persons. Wherin, as I heartilie pray to the Almightie for your prosperous successe, so doe I not doubt, but we sall shortlie heare the good newes of the same; and that you sall have an happie returne and meeting heere, to all our conforts."

Heere the Lord Chanceller spake tuiching the proroguing of the Parliament; and having done, his Majestie rose again, and said:—

"Since it pleased God to grant me two suche notable delivereis upon one day of the weeke, which was Tuisday, and likewise one day of the moneth, which was the fyfte, thereby to teache me, that as it was the same devill that still persecuted me, so it was one and the same God that still mightilie delivered, I thought it, therefore, not amisse, that the one and twentie day of Januarie, which fell to be on Tuisday, sould be the day of meeting of this nixt sessioun of Parliament; hoping and assuring my self, that the same God who hath now granted me and you all so notable and gracious a deliverie, sall prosper all our effaires at that nixt sessioun, and bring them to an happie conclusioun. And now, I consider God hath weill provided it, that the ending of this parliament hath beene so long continued? for, as for my owne part, I never had anie other intentioun, but onlie to seeke so farre my weale and prosperitie, as conjunctlie might stand with the floorishing estat of the whole commoun wealth, as I have oftin told you; so, on the other part, I confesse, if I had beene in your places at the beginning of this parliament, (which was so soone after myne entrie into this kingdom, wherin yee could not possiblie have so perfyte a knowledge

of myne inclinatioun, as experience since hath taught you,) I could not but have suspected and misinterpreted diverse things, in the trying wherof now, I hope, by your experience of my behaviour and forme of governement, you are weill eneugh cleered and resolved."

A CHARGE TO PUTT MINISTERS TO AN ASSISE.

The deliverie from the Conspiracie made men to thinke, that the king would desist from persecuting poore ministers, ather in England or Scotland, when all the congregatiouns were required to give thankes to God for so great a deliverance. But the effect declaired a greater induratioun and hardening of his heart; for he relented nothing, but insisted more eagerlie, both by penne and by tongue, saying, The Papists were seeking his life indeid, but the ministers were seeking his crowne, deerer to him than his life. So, expresse charge was sent home to the counsell, namelie, to his new sworne creatures, Chanceller Setoun, Advocat Hammiltoun, Secretar Elphinstoun, Sir David Murrey, comptroller, to putt the ministers to an assise upon a dittay of treasoun, for the declinatour. They wanted no good will to putt in executioun that which the king commanded to be done; but for feare, and inabilitie to effectuat so hard a mater, as to dresse a judge and an assise, and all things needfull to gett them convicted, and brought under the compasse of the law, as also, by reasoun of the king's occupatiouns in maters belonging to the Conspiracie, the mater tooke a delay, till the beginning of the nixt yeere.

THE ABBOT OF NEWABBEY RELEASED AND BANISHED.

A supplicatioun was givin in to the counsell, upon the 13th of November, for transporting the brethrein prisouned in Blacknesse, becaus the pest was come to the verie gates of their prisoun. The supplicatioun had not beene read, unlesse my Lords Argile and Lindsey had urged the same. Alwise it was refused. Immediatlie

before, the Abbot of Newabbey gave in a supplicatioun, for libertie to take good night of his freinds, and to provide himself for his departure out of the countrie. It was refused for the present. Sir Johne Arnot, treasurer-deput, stood up, and said, "The devill sticke him! he is verie deere." It was answered, "Let the counsell modifie his charges." Some said, "Give him three pund a-day;" some, fourtie shilling; some, twentie; some, two pecks of meale in the weeke; some, bread and water. The Chanceller said, "Give him als muche as yee would give Mackgregore, a merke in the day;" which was allowed. In end, having all his idolatrous relicts, croces, Agnus Deies, &c., restored to him, he was sett at libertie, and permitted to embark at Leith, not without appearance of saying of masse in Edinburgh, the night before his departure; for his masse clothes, chalices, &c., were found by the bailliffes. In the meane tyme, the ministers were deteanned in the dungeon of Blacknesse, upon their owne excessive expenses.

THE SUPPLICATION OF THE SYNOD OF LOTHIAN.

About the same tyme was penned a letter in name of the Synod of Lothiane, congratulating his Majestie for the foresaid deliverance, and suiting libertie to the imprisouned brethrein, according to the clemencie usuallie shewed to all poore prisoners at suche tymes. Mr James Law and Mr Johne Hall refused to subscribe the supplicatioun.

THE WAIRDED MINISTERS' LETTER TO THE PRESBYTERIE OF EDINBURGH.

The brethrein wairded in Blacknesse directed this letter following to the Presbyterie of Edinburgh, upon the 18th of November, by reasoun of some uncharitable speeches uttered by some of them, namelie, by Mr Johne Hall, a venemous adversar of the imprisouned brethrein, for their sinceritie and maintenance of the liberteis of the kirk, and a great suppost of the corrupt course.

"Reverend and deerelie beloved fathers and brethrein,—After our heartilie commendatiouns in Christ: Suppose our estat be suche alreadie, that it sould tuiche the hearts of all that would looke for compassioun of the Lord, in that great day, with compassioun toward us; being shott up now for the space of sixteen or seventeen weekes into this closse prisoun, without anie confortable fellowship now, ather of others, or among our selves, the same being denyed unto us; deprived of the consolatioun of our ministrie, and now brought, through these exorbitant charges, to extreme povertie, beside the infirmiteis of our bodeis, contracted and greatlie encreassed by the same; yitt not onlie is not regarded, but afflictioun is added to afflictioun, and that by them who rather sould have conforted us, being not onlie bound together in the unitie of one faith, but also fellow-labourers under one Master in the gospell. The which is so muche the more greevous unto us, as not onlie in privat speeches, but in opin places, we are accused and condemned, as they onlie who upon obstinacie and wilfulnesse were not onlie the just deservers of our afflictioun, but also disturbers of a peaceable estat of kirk and kingdom. The which, for our owne part, we could easilie passe by, having learned, by God's grace, in patience to possesse our soules, and to rest in the peaceable and quiet approving of our selves to God, and to the consciences of all who will with indifferencie consider of the same. For we hope, there is none who will be so malicious as to judge so of us, that for maters of light importance, and that without the hazard of our consciences, at least in our owne judgement, [we] would have suffered this long and wearisome imprisounment, the which might have taught us what a benefite libertie, and freedom in the free use of our confortable ministrie, is; so that, if without the hazard of the violatioun of our conscience, we might by anie meanes have redeemed our libertie, we would not have beene, nather yitt are so mad and foolish as not to have embraced it. The want of the kirk now also is so muche the more greevous unto us, that we may not without our flockes and congregatiouns resound the praises of our God, for so mercifull and glorious a deliverance

of our gracious and dread soverane, his gracious queene, prince, and posteritie; of so manie worthie nobles and gentlemen, yea, of the whole kirk within this yland, from suche a treasonable and cruell attempt, as the like of it in no age hath ever beene heard of.

"Yitt, deere brethrein, not being able to hold in our greeves anie longer, we thought good to powre them out into your affectionat and compassionat bosomes; and doe declare unto you in simplicitie, referring unto your wiser and brotherlie consideratioun both the ground of our imprisonment, the things that were craved of us, and that which we offered; desiring of you, in the name of the eternall God, that yee would not conceale from us anie thing that may better informe our consciences, if we have erred in anie thing: if not, that if we can find no more confort, yitt lett us be conforted by this, that our afflictioun and bonds heere be not made heavier by anie of you. We are your brethrein in Christ; we are his servants in the Gospell, howbeit unworthie. It has placed [pleased?] the Lord to seale our ministrie, in the places where our God did call us: we hope we have beene keeped hitherto blamelesse; and we would thinke it a guiltinesse heavie eneugh, if we were in your rowmes, not to be the instruments of confort to the least of Christ's brethrein being in afflictioun, lett be to be the instruments of greater greefe. Lett his hand be sufficient; lett our povertie, infirmitie, and confortlesse estat in respect of our outward meanes, (suppose we darre not deny, but our God does fullie confort us in all our affliction;) beside, the desolat and lamentable estat of our poore congregatiouns, famishing for want of the blessed truthe wherewith they have beene so oft conforted by our ministrie, the which to us is more greevous than anie thing ellis that concernes our selves; lett these things, we say, be sufficient, suppose none of your fingers could make the burthein heavier.

"Yee know, brethrein, how changeable the outward conditions are. There is no new thing to the sancts and servants of God, and that which we are this day, that some of you may be at another tyme; and in the measure yee measure now out to others, it will be measured to you again. If we have sinned, lett us by

love be informed, and convict us by the truthe, and we are readie to yeeld. If we have not failed, why are we thus rebooked, why are we thus intreated? why are our brethrein so mercilesse? why adde they sorrow to them that are in afflictioun alreadie? Yee know, the earand was lawfull that we were sent to; lawfull by all lawes divine and humane, practised these fourtie-three yeeres in this kirk, with the Lord's great blessing, that never a kirk in anie age had a greater. Our callings were ordinarie and lawfull by our travells and synods. If anie has failed, not we, but they that sent us; for *legatorum corpora semper fuerunt sacra.* We went not without a calling. We did nothing, but according to our commissioun, givin, and approved by them that gave it. That which a communitie has done, may or sould privat members disannull or call backe? His Majestie's charge, we hope, is fullie knowne to your consciences, that it was fullie obeyed. The letter of his Majestie's Privie Counsell [was] obeyed also, by delaying all things, onlie nominating the day and place of the nixt Generall Assemblie, which was desired earnestlie to have beene done by the king's commissioner, short or long, but obstinatlie refused. Lesse could not be done, and more we would not doe, for avoiding of all offence. The commissioner's letter was without the designatioun of anie certan ather day or place. Our synods and presbytereis who sent us have to answere to it, and not we who were sent. Is the obedience to our callings, to presbytereis and synods, in so lawfull a thing, agreeable to all lawes divine and humane, practised in this kirk so long, so high a transgressioun, as not only to deserve so long and confortlesse a punishment, but also to be reputed and compted by the brethrein in the fellowship of the same ministrie, an iniquitie, and the caus of trouble in the kirk of Christ, our presbytereis and synods who sent us, and allowed the same, never yitt being challenged, accused, convicted, or condemned for the same?

"The thing craved of us was, the reputing of that Assemblie to be null, a confessioun of offence, and submissioun of our selves to his Majestie's reverence for the same. Is it in our power, who are now but privat members of that Assemblie, to annull that

which a kirk sent us to doe? A kirk gathered together in the name of the Lord has done, and the kirk which sent us has approved it, being done. Sould a privat member take upon it that which belongeth to the whole bodie? Whether this were against all law, nature, reasoun, custome, we referre it to your wisdoms to judge upon; and speciallie, seing nather they who sent us and approved us, nather we in our ordinarie judicatour as yitt condemned, and the mater it self suche a thing which no man can say, but of it self it is lawfull. As for confessioun, if we have failed, and our fault can be cleerelie shewed us, we refuse not, nather sall we thinke shame by his grace to confesse offence, where it is. But if there be none, at the least, we not convicted of it, nather in our owne consciences, nather by them who has the authority of judgement of the maters of our callings in the hous of God, with what conscience may we? With what conscience can anie desire us, seing a woe by the Lord's owne mouth is pronounced against them who call light darkenesse, darkenesse light, good evill, and evill good; and whatsoever is not of faith is sinne? And this were to be against our owne consciences. Which things, how little so ever they appeare in the consciences of some, who have not yitt thought of the strictnesse of God's reckoning, and of the severitie of judgement; who sall punish all leers, and them that love lees, in the laike that burnes with fire and brimstone, yitt we beleeve these things, and therefore darre not, against the light of our consciences, willinglie sinne, and so fall in the hands of the living God. As for submissioun, what have we but our bodeis and goods? Our conscience is the Lord's, and our calling is his. The former we did submitt, and with all humble reverence submitt, so that if our imprisonment, if our banishment, yea, if our lives may redeeme the peace and unitie of God's kirk, may appease the wrathe of our gracious soverane, we did not refuse, nather doe we refuse, having learned by his grace to preferre the peace of the kirk, and his Majestie's favour, before anie earthlie thing that can befall us. Farther we may not goe; nather can we thinke, that anie that has the meannest sparke of conscience left will bid us goe farther.

"Now, as to the last point that we offered, first, in submissioun of our selves and all that belonged us to his Majestie, for appeasing of his Hienesse' anger, reserving our calling and conscience to God, who is the onlie author and judge of them. Nixt, that we for our parts agreed and consented, that our proceeding at that Assemblie to the appointing of another day, sould be reputed as null, and that, becaus the day was alreadie expired, and so null of the self, and another day appointed by his Majestie's proclamatioun. The which, as we did by the advice of our faithfull and wise brethrein who were with us, as the farthest which ather we might, or they thought they could advise us to doe, so would we understand of your wisdoms, whether heerin we have past from anie point of a good conscience, concerning that mater for which we suffer, or not, as by some we are interpreted to have done; or if in our offer there be anie thing laiking on our parts, which, without hurt of our conscience, or prejudice of the caus, we sould have done for the appeasing of his Majestie's wrathe?

"Thus have we beene bold with you, to communicat both the truthe of that which was done by us, of that which was craved of us by the counsell, which we did offer, as also, to expone our greeves to your brotherlie love and compassioun; desiring of you, in the bowells of Jesus Christ, as yee your selves would have consolatioun in the day of your misereis, and especiallie in that great day, to spread the lappe of your love and compassioun over us; and at the least, if the Lord will not move you to be the instruments of our consolatioun and deliverance, that none of you would be the instrument to multiplie our greeves. If we have erred in anie thing, we refuse not to be instructed; and if anie one of us be convicted, by the grace of God we sall not be ashamed to yeeld confessioun, in the humanest and basest maner. If our conscience be not convicted, what severitie is this, to force us by outward extremitie? We would have thought this meane to be proper onlie to the Papisticall kirk, and that none of our brethrein would have borrowed from them that meane of compulsioun; for we know that his Majestie and counsell doe nothing but as they are advised and informed by our owne brethrein.

"We will not trouble your wisdoms no more, but end with this notable historie of Eusebius Samosatenus, who, being commanded by Constantius the Emperour to send him the subscribed decreit of the councell for the ordinatioun of Miletus to Antiochia, which was givin to him in custodie, answered, '*Non est integram mihi restituere commune depositum nisi congregatis universis qui mihi commiserunt;*' which incensed the emperour in suche a wrathe, that he sent letters unto him, commanding it to be sent unto him, under the paine of losing of his right hand. Which when he had read, he understood the punishment that was threatned. With the right hand he reached out the left also, saying, '*Ambas seca, nam commune decretum non restituam.*' The which courage and constancie being knowne to the emperour, who otherwise favoured the Arrians, was so farre from being incensed thereby, that the historie records of him, '*Eum admiratus laudare nunquam destitit.*' So great conscience this worthie man maketh with suche resolutioun, to suffer for the same, to take upon him the things that belonged to manie. And thus, committing you to the protectioun and presence of the Almightie God, we desire to be remembred in your prayers.

"Your brethrein now in afflictioun.

"From Blacknesse, the 18th of November."

M.DC.VI.

THE IMPRISONED MINISTERS STAND TO THEIR DECLINATOUR.

The Erles of Marr and Dumbar came from court about the beginning of Januar. It was suspected they were sent doun for some great alteratiouns; but all turned, in end, to the putting of the ministers wairded in Blacknesse to an assise. The Erle of Dumbar regraited to Mr James Melvill the imployment, and said he could be content to give a thowsand pund Sterline to have the king satisfied in that mater, without hurt to the kirk, and danger of the honest men that were wairded; desired him to move them

to anie slight confessioun of a fault, and to come in the king's will; promising to imploy his credit to the uttermost to pacifie the king, and to take upon him that there sould never be a sturre again betuixt the king and the kirk; and that great maters sould be effectuated for the weale of the same, namelie, that the bishops sould be cutted short of their intentiouns. After Mr James had declared his minde plainlie to the erle, he went to Blacknesse, glade to have this occasioun to conferre with the brethrein. No argument left he unused to try their constancie, but he found them weill resolved. After confortable exercise of reading, praying, reasouning, they went to bed. They were awaked out of their morning sleepe by the sound of trumpet; for the guarde came to convoy them, and to present them to the counsell, which, as the lieutenant of the guarde said, was to sitt doun by day light. So did the counsell that condemned Christ.

After incalling on the name of God, they came to Linlithquo by the sunne rysing, and were brought the high way to the palace, where a most frequent counsell was sitting. The Countesse of Linlithquo, howbeit an obstinat Papist, but now a zealous professour, receaved them verie courteouslie, and, after good interteanement, caused convoy them to a chamber. Sindrie ministers resorted to them, so that some Generall Assembleis have beene rarer in number than this meeting. Mr Johne Forbesse moderated. Sindrie counsellers and others were imployed to breake them, but in vaine. Therafter the counsell directed purposelie the Lords Newbottle and Blantyre, Whittinghame, and Mr William Hart, justice deput, to reasoun with them, and to bring them to a submissioun; but in vaine. Then they were sent again, with diverse others, and, namelie, with the advocat, to acquaint them with the processe, and to assure them that it would tend to their convictioun. Mr Thomas Hammiltoun, the king's advocat, Mr Thomas Craig, and Mr William Oliphant, lawyers, counselled them to passe from the declinatour *pro loco et tempore;* assuring them it would be no wise prejudiciall to the kirk, their caus, or themselves, to be used again when they pleased: if they would so

doe, that the counsell would passe from all processe and persute, and so they sould be free. Manie of the brethrein fearing the danger might befall the imprisouned, if they were putt upon the pannell, craved a tyme to consult upon that overture. Mrs Andrew Melvill, James Melvill, Johne Carmichaell, Patrik Simsone, Henrie Livingstoun, Adam Bannatyne, now Bishop of Dumblane, Johne Dykes, Robert Colvill, George Inglis, Michael Cranstoun, William Arthure, and other ministers, to the number of fourtie, or therabout, conveenning, reasouned among themselves. The mater was thought to be of suche importance tuiching the whole kirk, that it was hard for them to jeopard in it, and after deepe consideratioun of the danger that might ensue on all sides, found it meete and expedient not to passe from the declinatour, except upon conditioun, viz., that the lords would cancell the act of counsell alreadie made, wherin they found themselves judges of all causes spirituall and civill. Some brethrein were directed by the counsell sitting in order, to the chappell of the palace. The conditioun was not accepted, becaus the act was alreadie registred, as was alledged. Then they desired that an act might be made, taiking away the strenth of the former; which was also refused.

The ministers advising what to answere nixt, two were sent from the lords to desire them to haste their answere, becaus the day was spent. It was found, after long deliberatioun, that their passing from that declinatour could not but be a dangerous preparative, and verie prejudiciall to the liberteis of the kirk. Therefore it was thought good that the lords sould be intreatted to grant delay, till the synods conveenned which were appointed to meete in the moneth of Februar nixt following, or till the brethrein who were to be accused, advised with their presbytereis that sent them to the Assemblie, promising to use their advice. If no tyme were granted of advisement, it was found with universall consent no wise meet to passe from that declinatour for anie danger that could ensue, at least for that tyme. Mrs James Melvill, Patrik Simsone, Johne Carmichaell, Henrie Livingstoun, Adam Bannatyne, were directed to the counsell, to make requeist for the foresaid proroga-

tioun. When it was refused, they shewed that the brethrein would not passe from the declinatour, what soever danger would ensue. After that they returned with answere to their brethrein, Mr Johne Forbesse, Mr Johne Welshe, and the rest of the prisoners, with great confidence said, they saw the Lord had called them that day to give a testimonie to the libertie of the kingdome of Jesus Christ, and to stand for his crowne, and therefore were not affrayed, but glade; onlie, besought the brethrein there to give them faithfull advice, least they hurt the caus, having no respect to anie thing could befall them in comparison of that. The brethrein glorified God for their constant resolutioun and courage, and confirmed them by their uniforme consent and prayer.

THE PROCEEDINGS BEFORE THE JUSTICE DEPUT.

The lieutenant of the guarde came to the brethrein, and told them that the justice deput, Mr William Hart, with all the members requisite to putt the said ministers to an assise, assisted with the whole counsell, was sett in the Tolbuith, attending the presenting of the ministers. Mr Johne Forbesse, as mouth to the rest, recommended the caus into the hands of the righteous Judge of the world. The whole brethrein accompanied the ministers to the judgement hous. About one after noone, they presented themselves before the justice deputt, and whole conventioun there present. The prisoners of Blacknesse being called, entered within the barre, upon the pannell. The justice clerk deput shew them that they were endytted there for treasoun committed against the king's Majestie, and so read their libelled dittay. Being enquired what advocats they would have to pleade for them, they answered, Mr Thomas Craig and Mr William Oliphant. They were called on, but refused to pleade for them, as was reported to the judge. Then they nominat Mr Thomas Hope and Mr Thomas Gray. They compeered, and alledged, that no doubt Mr Thomas Craig and Mr William Oliphant would compeere and plead if they were sent for, seing they were come to the toun for that effect. The

lords sent for them, and stayed till answere was returned. But they refused to come. Mr Thomas Gray yitt insisted, alledging that Mr Thomas Craig sould be urged, seing he had a yeerelie rent to procure for the kirk; and Mr William Oliphant, becaus he promised to procure that day for them. It was answered, they would urge no man to procure. Then Mr Thomas Hope and Mr Thomas Gray desired to know if it was their Lordships' will that they sould procure in that caus. It was answered, "Yea." The substance of Mr Thomas Hammiltoun, the king's advocat, his accusatioun, was concluded in this syllogisme:—

Whosoever, in whatsoever caus, declynes the king and counsell's judicatour, incurres the guiltinesse and paine of treasoun. But these upon the pannell have declynned the king and counsell's judicatorie: *Ergo*, They have incurred the guiltinesse and paine of treasoun.

The propositioun he proved by the secund act of parliament holdin at Edinburgh, in May 1584. It was answered, first, that the meaning of that act was not to make all declinatours guiltie of treasoun; for it is acknowledged most lawfull, in civill or criminall actiouns, to declyne the Secreit Counsell, as uncompetent judges, and to draw them to the sessioun, shireffs, and justicers. And so, it may be most lawfull, in maters ecclesiastick, to declyne the same counsell, and to claime to the Generall Assemblie, or inferiour synods and presbytereis. 2. That that act, and the whole force therof, was abrogated and repeeled expresselie by a posterior act, in the parliament holdin at Edinburgh, in the yeere 1592, in so farre as concerned maters of heresie, doctrine, sacraments, excommunicatioun, or discipline of the kirk. But so it is, that to judge of the lawfulnesse or unlawfulnesse of a Generall Assemblie, was a speciall point of discipline, yea, that which keeped doctrine, sacraments, discipline, and all, in order uncorrupted. 3. That the act bare an incurring of the paine of treason allanerlie, which paine can never justlie be inflicted, unlesse the fact be found treasonable by the law. But so it is, that there is no law, defyning the declinatour of an uncompetent judge to be treasoun.

Mr Thomas Hope thought it meete to putt all his reasons in writt, *ad futuram rei memoriam;* and there instantlie and off hand, dytted his reasouns to the two clerks there present. The king's advocat did the like. There was sharpe reasoning on both sides. Notwithstanding of the clerks' swift writting, two houres were spent before they made an end. Mr Thomas Hope had never pleaded before the justice clerk before; yitt nothing was wanting in him in that actioun, that was to be found in the most expert lawyer. His pleading that day procured him great estimatioun and manie clients; and his credite has ever growne sensyne, till now, that he is become the king's advocat. Mr Thomas Gray was a man of sincere affectioun, and of good skill in the lawes, but not of so good utterance.

After long reasoning betweene the advocats, the judge proceedeth to an interlocutor. The justice deput roundeth to all the lords that were on his right hand, and the chanceller sitting on his left hand above him. Then he pronounces, that by the uniforme consent and votes of the whole counsell, and lords there present assisting him, the propositioun was found relevant, and the answeres made repelled. The Erle of Marr, the Lord Halyrudhous, and Mr Johne Prestoun, collector, said, "Say not, *all*, for there are heere that are not, nor never will be of that judgement." The justice replyed, "My lord, this is a mater yee will not gett amended, and your part sall be as deepe heerin as the rest." The advocat proceedeth to the probatioun of the assumptioun, "which," said he, "is evident, by the declinatour givin in, subscribed by their hands." The declinatour was read, and he said, they had treasonablie declynned the king and counsell's judicatorie. The pannell answered, first, that they had not declynned the king's judicatorie, but onlie the counsell's: that they were ever, and yitt would be content to be judged by his Majestie and the Generall Assemblie, or his Majestie with the Generall Assemblie; and had ever professed, and offered themselves, lyke as they presentlie professe and offer themselves, in their bodeis, goods, and geare, and all that they had, to be in no other ranke or conditioun than anie other

subject; and in all humilitie to submitt themselves to be judged according to the lawes, and commoun order of the realme; craving no immunitie or priviledge, as Papists doe, but onlie that according to the Word of God, and lawes of the realme, which had distinguished the civill and ecclesiasticall jurisdictiouns, and so ever keeped them distinct, the maters of the kirk to be judged and cognosced by the kirk, and her Assembleis; which were als weill ratified and confirmed by the lawes of the countrie as anie other judicatorie. Nixt, whereas he assumed "Treasonablie," that was sophistrie, and bad logick, for he tooke more in the assumption than was in the propositioun; for nather the propositioun, nor act alledged for probatioun therof, conteaned these words, "treasonablie declynes." At last, the pannell was heard to make a declaratioun upon the declinatour, which Mr Johne Forbesse dytted to the clerk at leasure.

The assise was called. No exceptioun was taikin against anie of their number, becaus they were all unknowne to the pannell and their advocat. Yitt was there just caus of exceptioun: for the Laird of Craigiehall, chanceller of the assise, was a dissolute man, and at the horne; Marke Swintoun of Innerkething, a Papist; others had sutes at court. Some were meane men, easilie seduced or terrified; some, not heard of, before they were presentlie there nominated. Suppose the pannell had gottin some of them castin, yitt others als prophane would have beene chosin in their roomes. The Laird of Polwart was called on six or seven tymes, and sent for, before he compeered. When he compeered, he said, "My lords, if you had anie thing to bestow upon us, I thinke you sould skarse have cryed so oft for us. As for my selfe, I confesse I am an ignorant man; and I thinke, the like of this turne that we are now about hath not beene practised in our dayes. I am now a man of good age. I beseeche your lordships to spare me, and to putt a fitter in my rowme." It was answered, his alledgance was not relevant; it behoved him to doe as he could. Dunipace alledged likewise the noveltie of the mater, and desired delay till the morne, for ryper advisement. It was answered, "No delay." "Then,

my lords," said he, "lett us have the advice of wiser men than our selves. Lett us send for Mr Thomas Craig, and Mr William Oliphant, to be present with us." "Doe according to the judgement yee have," said the justice deput, after he had rounded with the chanceller, as his continuall custome was in all his answeres; "for it is against the law," says he, "that anie except the assisers sould be present: serve your conscience in this turne, as yee will be answerable to God and the king." Dunipace answered, that God willing, he sould doe according to conscience, follow upon it what would. After their oath taikin solemnelie, conforme to the order, the king's advocat sayeth to the assise, "The judge hath alreadie approved the propositioun of my accusation, that it was treasoun to declyne the king and counsell's judgement. There remaineth onlie the secund part to judge upon, to witt, if these persons who are on pannell have declynned. This is easie to discerne, in so farre as their declinatour, under their handwritts, was there present before the judge, to the which they themselves stood, so that in necessitie they must be fyled; otherwise, I protest for an assise of errour, and so your lives, lands, and geare, sall fall in the king's hands."

After he had thus informed and terrified the assise, the pannell's advocat, on the other part, willed the assise to remember his defences used, which he resumed shortlie, and to judge equitablie and truelie, and not after alledged lawes not onlie repealed and abrogated in part, but also made in a violent tyme, and not weill grounded, against which, at their verie proclaiming at the Mercat Croce of Edinburgh, Mrs Robert Pont and Walter Balcalquall, in name of the whole kirk, tooke protestatiouns and documents of their disassenting, in the hands of Mr George Mackesone, notar-publict. He exhorted them to feare the righteous God, and Christ the great Judge; and last, he willed them to remember the estimatioun and honour of the men accused, both in the kirk and countrie, wherin they had served as ministers manie yeeres, with great approbatioun and praise of all. Mr Johne Forbesse and Mr Johne Welshe exhorted the assise likewise to keepe a good con-

science. Mr Johne Forbesse said to the lords, "Lett it be leasome for us to speeke for our selves, and take heed what we say; for we sall speeke nothing, God willing, but the truthe, which we sall seale with our blood, if need require. And yee, gentlemen, that are now chosin upon our assise, yee had need to know the caus wherefore we are accused this day, that yee bring not innocent blood upon your heads; which if yee doe, God sall require it at your hand, in that great day of judgement, when he sall rander to everie man according to his workes." The justice deput desired Mr Johne to be als breefe as he could, if he was to speeke anie thing. Mr Johne said, he sould, as the weightinesse of the mater would suffer; and so beganne:—

"We are thought to manie that know not the truthe of our proceedings, to be wilfull, because we will not confesse that we have justlie offended the king, in keeping a Generall Assemblie against his Majestie's will: for it is alledged, that we were charged the night before by letters of horning not to keepe that Assemblie; and that the king's commissioner, the Laird of Lawrestoun, has for that caus executed the letters, and caused putt us to the horne.

"Secundlie, that we receaved a letter from your Lordships of the Secreit Counsell, and disobeyed it; and, Thridlie, that the commissioners of the kirk sent a letter, shewing us that it was his Majestie's will that our Assemblie sould continue, and not be keeped the fyft of that instant Julie.

"As to the letters of horning, which Lawrestoun alledged, we heere protest before God, who knowes the secreits of all hearts, we are perswaded there were never suche letters executed duelie against us. We offered, in the beginning, to prove the executioun of these letters to be false and forged, but were not heard. We heere yitt again take in hand, under the paine of death, to prove that these letters were never executed against us, as he has caused indorse them.

"As for your Lordships' letter, it was sent to us indorsed after this maner, 'To the brethrein of the Generall Assemblie to be holdin at Aberdeene.' It required two things: 1. That we sould

doe nothing at that Assemblie. 2. That we sould appoint no new dyet or meeting. Now, if it was directed to the Generall Assemblie, we behoved once to meete, before it could gett an answere, and that we did not, without Lawrestoun's speciall consent. He was present with us a great part of the tyme that we satt in that Assemblie. As for the first part of the letter, we obeyed it fullie, to Lawrestoun's owne full contentment. As for the other part, it was thought by all that were present, that we could not be answerable to our presbytereis, if we suffered the tyme of the nixt Assemblie to fall in non-entrie through default of inductioun; for then could we not by the approved order, since ever there was an Assemblie in Scotland, have gotten another Assemblie after that tyme.

"As tuiching the letter directed from the commissioners of the kirk, we, all that were present at that meeting, knew verie weill, what corrupt course they were upon, seeking nothing lesse in all their actiouns than God's glorie; willing to pleasure men, and loving preferment and Balaam's wages better than an upright conscience, so that we need not impute our trouble to anie other, as cheefe instruments, than to them; yitt, our presbytereis sould be accused for not following the advice of that letter, and not we, who were sent by them, and behoved to obey them. Farther, we had a more evident warrant by the said commissioners to keepe that Assemblie, by their letter directing us so to doe, directed from Perth the yeere before, wherin they nominated tyme and place to us, than to obey this last letter, wherin they appointed no tyme to us to conveene to our Assemblie heerafter. Farther, if Lawrestoun would have taikin upon him to have nominated anie tyme, short or long, to us for another Assemblie, we had done nothing at that Assemblie.

"But seing your Lordships doe passe from this part of the processe, and doe onlie accuse us of this, that we doe declyne his Majestie and your Lordships, as competent judges to the lawfulnesse and unlawfulnesse of our Assembleis, as spirituall mater, your Lordships would misinterpret our declinatour. We desired to have taikin it up and reformed it. But this being denied, we

expone and give the meaning of it in writt, in maner following: 'Protesting before God, that we declyne not his Majestie, and you his counsell, as judges to us, in anie cace wherin his Majestie and yee may be judges, to all other subjects in the land; nather yitt declyne we the king's Majestie, as judge to us in ecclesiasticall or spirituall maters, he judging conjunct with the Generall Assemblie; but heartilie submit all our causes belonging to anie of our spirituall effaires to his Majestie, when ever God sall give occasioun, that he sall be present with the Generall Assemblie. For it was never heard in anie natioun, where ather the true religioun or Poprie has beene professed, that the king and his counsell were judges to spirituall maters. Yee are civill judges, ordeanned to judge upon civill and worldlie causes. Seing then yee accuse us for declyning your Lordships as judges to us in this maner, as we have spokin, in that cace we stand to our declinatour, having the warrant of God's truthe, the approbatioun of our owne consciences enlightened thereby, and the advice of our faithfull brethrein who can not of their consciences counsell us to passe from the same, except we would be tratours to Christ and to his kirk. And that your Lordships, and yee gentlemen on our assise, may know what an heavie burthein yee take upon your soules, if yee sall condemne us for sticking to the truthe, yee sall see, that yee are als weill bound to mainteane the word of truthe, and the discipline professed in our kirk, as we, as is evident by that Confessioun of Faith which the king's Majestie himself has sworne and subscribed, and all yee that are heere present of whatsoever ranke and degree:'—So he draweth out the Confessioun, and readeth these words, 'To the which (meaning the true reformed kirk as it was then, and is presentlie reformed in Scotland) we joyne our selves willinglie, in doctrine, faith, religioun, discipline, and use of the holie sacraments, as livelie members of the same in Christ, our Head; promising and swearing by the great name of the Lord our God, that we sall continue in the obedience of the doctrine and discipline of this kirk, and sall defend the same according to our vocatioun and power, all the dayes of our lives,

under the paines conteaned in the law, and danger both of bodie and soule in the day of God's fearfull judgement.' Now, my lords, and yee gentlemen that are upon our assise, seing yee have all sworne before God, and subscribed these words with your hands, judge yee in what estat yee stand, if yee condemne us for mainteaning of this discipline so weill warranted to us by the Word of God, and approved by the lawes of the countrie. As for us, our lives are not deere unto us in this cace. If yee take upon you to condemne us for suche a caus, take heed, gentlemen, reputed good Christians, that yee be not notablie perjured in decerning that to be treasoun, for pleasure or feare of anie man, which yee have subscribed, and sworne yee will professe and defend to your uttermost power."

When Mr Johne Forbesse had spokin, the justice deput said, "Sir, have yee ended? I pray you, lett us proceed, that we stay not heere all night." Then beganne Mr Johne Welshe to speeke with no lesse motioun, saying, "My lords, and yee gentlemen, take heed what yee are doing in this mater; for our lives are not so deere unto us as the caus of Christ, blessed be his name, that has givin us the approbatioun of faithfull brethrein, that we are doing in this mater but that which we can not leave undone, without the hurt of our soules and consciences. The Lord, that knoweth the secreits of all hearts, knoweth if we meane anie disloyaltie to his Majestie, or hurt to his kirk. Therefore, if yee will take innocent blood upon your heads, see yee to it."

Mr Thomas Hammiltoun, the king's advocat, brake off suddanlie, and said to the assise, "It is needlesse to answere all these things, nather ought yee to be moved with suche tales. You are onlie to see what yee are to doe of good conscience, according to the lawes of the countrie. To repeate it over again, I say, the Justice heere, with these honourable lords, his assessors, have repelled all their alledgances, and find, that if they have declynned his Majestie and counsell as judges to them, they have brokin the act of parliament, made in the yeere 1584, whereby they incurre the paine of treasoun: so as yee have onlie to see whether they have declynned.

There is the declinatour subscribed with their hands, as a plaine evidence, so that they can not but be convicted, if they will yitt stand obstinatlie to it. If yee doe otherwise, it is not possible for you to eshew an assise of errour. I have no farther to say, but doe as yee will be answerable to the king's Majestie and his lawes."

Then the justice depute desired the assise to remove in all haste. Mr Johne Forbesse seing there was no stay, said, "My Lord Dumbar, I will advertise your Lordship of one thing to be reported to his Majestie. I know not whether I ever will see his Majestie againe or not. I adjure you before the living God, that yee report to his Majestie, in our names, this historie writtin in the booke of Josuah. There was a craftie people called the Gibeonites, that fearing to be destroyed by the Israelits, came to them, and dissembled, as though they had come from a farre countrie. The princes of the people, not consulting with God, made a covenant with them, that they sould not destroy them, and the oath of God was taikin betuixt them. Now, King Saul, in his dayes, thought he had done weill to destroy the Gibeonites, who had deceaved Israel. But the historie after declareth, that God sent a great plague upon the whole land, and the vengeance of God fell upon Saul and his posteritie, so that seven of his sonnes were hanged. When the caus was asked of the Lord, he answered, 'It is becaus of Saul and his bloodie hous, that slue the Gibeonites, to whom a promise was made, and the oath of God past betuixt them and the princes of the people.' Now, my Lord, warne the king, that if suche an high judgement fell upon Saul and his hous, for destroying them who deceaved Israel, and onlie becaus of the oath of God which past among them, what judgement will fall upon his Majestie, his posteritie, and the whole land, if he and yee violat the great oath that yee have all made to God, to stand by his truthe, and to mainteane the discipline of his kirk, according to your powers? In cace anie of you would thinke to elude God by double dealing with him, I will read onlie another passage of this confessioun, and so end. These are the words, 'And seing that manie have beene stirred up by Satan,

and that Roman Antichrist, to promise, sweare, subscrive, and for a tyme to use the holie sacraments in the kirk deceatfullie, under the externall cloke of religioun, to corrupt and subvert secreitlie God's true religioun within his kirk, and afterward, when tyme may serve, to become opin enemeis and persecuters of the same, under vaine hope of the Pope his dispensatioun, devised against the Word of God, to his greater confusioun, and their double condemnatioun, in the day of the Lord Jesus: We, willing to take away all suspicioun of hypocrisie and double dealing with God and his kirk, protest, and call the Searcher of all hearts to witnesse, that our mindes and hearts doe fullie agree with this our confessioun, promise, oath, and subscriptioun; so that we are not moved for anie worldlie respect, but are perswaded onlie in our consciences, through the knowledge and love of God's true religioun printed in our hearts by the Holie Spirit, as we sall answere to him in the day when the secreits of all hearts sall be disclosed.' Now, see the paine, and how no shift nor worldlie moyen will helpe you, if yee doe against your oath and consciences. And as I have spokin, I thinke the whole brethrein heere will subscribe and allow the same. So, take this to heart, as yee will be answerable to God in that dreadfull day of judgement; to which we appeale, if yee wrongouslie condemne us." All the brethrein said, "Amen."

THE TRIELL OF THE ASSISE.

The chanceller and justice deput desired the assise to remove. They entered into the hous below, where they remained enclosed above six houres, and the justice clerk, the Erle of Berwick's brother-in-law, with them. It was thought by wise men, that ather Dunipace or Keir sould have beene chosin chancęller of the assise; but the mater was dressed otherwise, and Craigiehall was chosin chanceller. There was hote reasoning among the assisers. Johne Livingstoun, Laird of Dunipace, reasouned so pithilie, that the jurie inclynned to absolve him; which being espyed, there was muche dealing with everie particular man, partlie by terrours,

and partlie by promises, speciallie by this informatioun, that no harme was intended against the ministers, but onlie it behoved to please the king, and then all sould be weill. Neverthelesse, six of the number absolved *simpliciter*, viz., Johne Livingstoun of Dunipace, Sir Archibald Stirline of Keir, Gawin Hume of Johnscleuche, Robert Livingstoun of Westquarter, Thomas Livingstoun of Pantoun, James Schaw of Sawchie. The other nyne were enduced to fyle them. The chancellor of the assise compeering in judgement, declared that they were fyled by maniest votes. The Laird of Dunipace professed that he absolved them, not onlie as innocent of the treasoun, but also as honest ministers, faithfull servants to Christ, and good subjects to the king. The judge continued the sentence till his Majestie's will and pleasure sould be farther knowne, and ordeanned the convicted persons to be taikin backe to their waird, and to be straitlie keeped, that no man have accesse to them. The convicted embraced eache other, and thanked God for his presence in the whole actioun. They were convoyed to the palace again about ten houres at night. The people said, "Certanelie this was a worke of darkenesse, to make Christ's faithfull ministers tratours to the king: God grant he be never in greater danger nor of suche tratours!" The brethrein of the ministrie convoyed the prisoners again to Blacknesse on the morne, where, with thanksgiving, prayers, and manie teares, they left them more confirmed than ever they were. These were the proceedings of the assise, as Mr James Melvill, a spectator, has sett doun in his Memorialls. For farther light and informatioun, I will sett doun the extract following:—

"Curia tenta in prætorio Linlithquo, 10 Januarii 1606, per Mr William Hart de Prestoun, Justiciarium deputatum, nobilis Domini Archibaldi Comitis Ergadiæ, Justitiarii generalis, S. D. N. et totius regni sui ubi libet constitut. curia legitime affirmata.

"INTRAN.

"Sir James Hammiltoun of Monkland, Knight, Advocat.

"The Lords of Secreit Counsell sitting in judgement, Johne

Erle of Montrose, Alexander Erle of Dumfermline, Lord Fyvie, chanceller, Johne Erle of Marr, Alexander Erle of Linlithquo, George Erle of Dumbar, Patrik Lord Glames, Alexander Lord Elphinstoun, James Lord Abercrumbie, David Lord Skoone, comptroller, J. Lord Balmerinoth, secretar to his Majestie, and president of his Hienesse' Colledge of Justice, Marke Lord Newbottle, Johne Lord Murrey of Tullibardin, Walter Pryour of Blantyre, Johne Commendator of Halyrudhous, Sir James Dowglas of Whittinghame, Mr Johne Prestoun of Penniecooke, collector to his Hienesse, Sir Richard Cockeburne of Clerkingtoun, lord privie seale, Sir Robert Melvill of Mordecarnie, knight, Alexander Maister of Elphinstoun, and Sir William Livingstoun of Kilsyth, declared they would assist to the justice, as assessors in this caus.

"*Pannell.* We sould have had fourtie dayes warning, seing we are accused of treasoun.

"*Advocat.* Citatioun is not needfull, becaus they were in waird, and the treasoun committed since. The like processe proceeded against Bonytoun, Rawfe Wallace.

"*Pannell.* The declyning of the Secreit Counsell is not *simpliciter* the declyning of the king's authoritie, becaus one actioun, in diverse respects, may perteane to sindrie courts of the king. Again, they did not declyne in respect of a pretended contempt, but in respect they were called to answere for the unlawfulnesse of the Assemblie, which is a thing meerelie ecclesiasticall.

"Secundlie, the intent of a law is to be respected. But the intent of the statute 1584 yeeres was, that none sould declyne, being summouned to answere *de inquirendis;* where as the pannell did declyne to answere for facts pretended to be committed. Now, it is the judgement of all doctors, that *odiosa sunt restringenda:* And, therefore, that which is made treasoun in one cace, is not to be extended to other caces not expressed.

"Thridlie, that that act doeth not make declynning a treasonable fact, but onlie forbidds it, upon paine of treasoun.

"Fourthlie, that act was repealed, so farre as concerneth the

church, by a latter statute of —92, where it is provided, that it sould not be prejudiciall to the priviledges that God has givin to the spirituall office-bearers in the kirk, concerning heeds of religioun, maters of heresie, excommunicatioun, collatioun, and deprivatioun of ministers, and others suche like essëntiall censures ecclesiasticall, expresselie grounded, and having warrant out of the Word of God. But the Generall Assemblie is an ecclesiasticall censure, expresselie warranted by the Word of God; becaus treatting of the heeds of religioun, &c., are proper parts therof, *et ejusdem est naturæ totum cum suis partibus.*

"The pannell it self protesteth, that it submitteth it self to the king's authoritie, to be judged by it in all causes, as anie other subject is, or ought to be; onlie it desireth, that whereas the decerning of the lawfulnesse or unlawfulnesse of a Generall Assemblie is a mater merelie ecclesiasticall, they may be judged by the king and the Assemblie, as his Majestie doeth judge by civill persons in civill causes.

"*Advocat.* The Lords of the Secreit Counsell might als weill judge them as tuiching the lawfulnesse or unlawfulnesse of the Assemblie, as of the contempt; becaus the king's letters of horning, and the command of the counsell, forbade both the present Assemblie and also appointing of anie other.

"To the Secund, it is answered, that in the cace of Mr David Blacke, as at all other tymes ellis, it was adjudged, that in all maters, als weill as *de super inquirendis*, a declinatour was treasonable.

"To the Thrid, it was answered, that all crimes ordeaned to be punished by the paine of treasoun are treasonable.

"To the Fourth, it is answered, that the holding an Assemblie at anie one certane day or place, is none of the particulars mentiouned in the statute of —92 yeares, and therefore doeth not abridge the statute of —84.

"*Pannell.* The pannell it self pleadeth, that the justice can not putt them to the knowledge of an assise for treasoun, becaus they stand at the horne unrelaxed.

"*Advocat.* The horning is relaxed, becaus the defendants are suffered to pleade by their advocats.

"*Assisa.*

"Sir Johne Hume of Northberwick, Sir George Hume of Broxmouth, Sir Johne Forester of Carden, Sir Archibald Stirline of Keir, Johne Livingstoun of Dunipace, James Schaw of Sawchie, Marke Swintoun in Innerkething, Chanceller, Harie Stewart of Craigiehall, George Hume of Deanes, Gawin Hume of Johnscleuche, Thomas Livingstoun of Pantoun, Robert Livingstoun of Westquarter, James Gib, younger of Caridden, Alexander Hume of Rentoun, Sir Patrik Hume of Polwart.

"Extractum de libro actorum adjournal. S. D. N. Regis, per me, M. Patricium Bannatyne, clericum deputatum honorabilis viri Domini, Joannis Cockburn de Ormestoun, militis, clerici justiciarii ejusdem general., et in ipsius absentia, testan. meis signo et subscriptione manualibus.

"PAT. BANNATYNE."

Within foure or five dayes after, the Erle of Dumbar desired Mr James Melvill to assay, if the prisoners might be enduced in anie faire maner to crave pardoun of the king, and take remissioun. He answered, that was but follie; for they were resolved to suffer more nor durst be executed against them. He besought him to looke to the king's weale, and his owne standing. Dumbar purged himself, and promised to imploy his credit for them.

FIVE ARTICLES PROPONED TO THE SYNODS.

The synods throughout the realme were by the king's directioun appointed to conveene in the moneth of Februar, all upon one day, in their owne shires and bounds respective. This was done, no doubt, that one synod might not understand the resolutioun of

another, and so be encouraged by exemple. The king had his commissioner or commissioners at everie synod, to crave answers to the five articles following, as Mr James Melvill was informed:—

"1. That nothing be altered that was done in the Generall Assembleis whereat his Majestie was present.

"2. That bishops sall have full jurisdictioun under his Majestie over the ministers.

"3. That the commissioners of the Generall Assemblie be not altered.

"4. That there be no appellatioun from them to the Generall Assemblie.

"5. That the king be acknowledged supreme ruler of the kirk under Christ, and that from him, the power of the ministers assembling, and spirituall meetings, doeth lawfullie flow."

But these articles, as they were sent to the synod of Teviotdaill and Merce, with Mr David Mackgill, younger, and Mr Gawin Hammiltoun, Bishop of Galloway, were conceaved in the forme following:—

"1. That in the nixt ensuing Generall Assemblie, no former acts, made in anie preceeding Assemblie, his Majestie being present, be anie wise tuiched, altered, or interpreted.

"2. That the state of bishops be not medled with, but continued in the same conditioun they presentlie are in, till his Majestie's further pleasure and will be knowne.

"3. That there be no alteratioun of anie of the commissioners except upon tryell of some notable fact, in their doctrine, life, and conversatioun.

"4. That notwithstanding of anie appellatioun, the commissioners sall proceed, they alwise for their proceeding being answerable to the nixt Generall Assemblie.

"5. That they acknowledge the warrant of their meetings to come by the permission of the prince."

MR J. MELVILL'S LETTER TO THE SYNOD OF FIFE.

Mr James Melvill being pained with the gravell, and so deteanned from the synod of Fife, wrote to them this letter following, being informed that the first five articles were to be presented:—

> "*Stand fast in the libertie wherewith Christ has made us free, and be not entangled again with the yoke of boundage.* Gal. v. 1.

"I had never so great a desire to be with you in assemblie, (deere brethrein,) and was never withholdin with stronger cords of sicknesse, sorenesse, and manifold inabiliteis, to my great and heavie regrait. For when I perceave my miserable dayes to consume in vanitie and vexatioun, 'Alas!' say I, 'sall I not be refreshed in the assembleis of the Lord's servants, and in the presence and light of his countenance? Sall I not see them conveened, and fenced in the name of Jesus, (of whom all the hous of Israel is lett to know of a suretie, that God has made him both Lord and Christ,) with prayer and invocatioun, with preaching, learned, grave, eloquent, of that heavenlie veritie of God concerning the ruling, discipline, ordering, and governement of his kirk, so cleere in Scripture, so plaine in historie, so allowed and loved by all writters ancient and morderne, so profitable for unitie and sinceritie against sects and confusiouns in our fourtie-six yeeres' experience; the life of our soules, the glorie of our kirk and kingdom, (in so farre as it is the meane to reteane Jesus Christ, by the force of his Conforter, to be resident amongst us,) the gall of our enemeis; and as uttered, so receaved with all your approbatiouns and applauses, with your affectiouns, studie, and zeale, and with your endeavoure to keepe and mainteane the same, yea, even jealous least anie jote thereof sould fall on halting, and so be turned out of the way. When I remember so manie good brethrein, all as one man mett before the Lord, in veritie, charitie, wisdom, moderatioun, care, feare, fastnesse, constancie, and good order, my verie

heart bursteth for my unthankfulnesse, that sould thus deprive and bereave me of my greatest confort in earth. But all the wayes of the Lord are mercie and truthe to those that love him, and are in his covenant; mercie, in forgiving sinnes, and truthe, in keeping his faithfull promises of grace.'

"So thus, I trust, my absence according to the order, is excused, but not my duetie discharged. I heare of a strange quinarie of articles, to be presented from his Majestie to our present Synods; but verilie, I nather will, nor can beleeve it to be true. For what, is it possible that a most Christian king, leaving our kirk and realme settled in religioun and policie, himself with all his subjects standing fast bound to God by a most solemne covenant, sworne and subscribed throughout the land, and after so manie promises and protestatiouns not to intend or meane alteratioun, propone articles for ranversing and turning of all upside doun? Now, putt cace, that some commissioner will stand up to affirme, that these articles be from his Majestie, noted by his owne hand, and so furth; verilie, yitt I can thinke no earnest truthe to be therin, but some suche wise and godlie policie, as is commended in the Emperour Constance, the father of Constantine the Great, who, willing to make a sure prooffe of the truthe and religioun of his servants, charged them with plaine paganisme, that they sould professe the samine for religioun, or then abandoun his court and offices. But finding some readie to forefault all, er they sould renounce their religioun, he takes these for sure servants and freinds, and rejects the rest, and suche as never could be true to the emperour, not being true to God in their religioun. For thinkes anie man otherwise, that ever so godlie and wise a king would ever propone to the Synods of Scotland points of plaine papistrie? And have not the pulpits of Scotland these fourtie yeeres bygane, sounded als mightilie and plainlie against the Pop's supremacie, against jurisdictioun of a pastor above pastors, against tyrannie and usurpatioun of the power and libertie of the kirk, as cheefest and greatest corruptions of antichristian poprie? Yea, both pulpits and schooles have beene more and freer against that, nor merits, masse, or pur-

gatorie. Can this be true and earnest dealing? Not possible, unlesse they thinke by a draught of Circe's dische, to turne us at an instant from men into swyne; or from precise preachers, to renounce our faith, at a view of an article from court, and become apostat renegats. Finallie, deere brethrein, if there sall be found anie thing of the mater in effect, by whatsomever maner or borne up, my judgement is, not to elude it or putt it off to a Generall Assemblie, as pertinent thereto, *sed principiis obstandum quam fortissime et diligentissime.* For if it passe but plaine controlment and gainstanding, it will be nixt amongst the Lords of Articles, er ever a Generall Assemblie come. And, therefore, give them a plaine *nolumus, detestamur, anathemitizamus.*

"First, then, I would we sould doe the dueteis of the true propheits, watchemen, and seers, to speeke, wryte, send, and make faithfull wairning and admonitioun, in all humilitie and love, in the name of our Christ, to our Christian king; the which being done, lett everie one prepare himself for giving a faithfull and constant testimonie, as it sall please God to chop upon him, and call him out thereto; strenthening ourselves in the Word, prayer, and espying the working of God with his owne servants, our deere brethrein. And verilie, the tryell sall not have past all the tribes of Israel, when the Sonne of Man sall be manifested in his glorie. Lett Herod and Pontius Pilat goe to; lett Licinius and Julian assay their witts to doe all that the hand of God and his counsell has appointed concerning the tryell of his kirk; onelie the Lord looke upon their threatnings, and give courage, strenth, and freedom of language and spirit, to utter his truthe, and stand by the same, not on pannell and prisoun onlie, but even at the fire, and on the scaffold, if it like the world to assay that again, wherewith they have beene oftin wearier and warred[1] by the patience of the sancts. Finallie, I would have the Assemblie requeisting my uncle, Mr Andrew Melvill, to write to the king's Majestie fullie and plainlie, of the five articles following:—

"1. That the ministrie of the Gospell is from Christ allanerlie, wherof men, even in office in the kirk, are but witnesses.

[1] Worsted.

"2. That it is an essentiall part of the office of the ministrie to keepe the Assembleis, for taiking heed to the doctrine and maners, to themselves mutuallie, and to their flockes.

"3. That diverse hundreths of yeeres before ever there was a Christian magistrat, there were most floorishing kirks, where pastors, doctors, and professors, who as at home in their famileis, so together in thowsands, worshipped God, and who keeped manie famous, frequent, and most profitable assembleis and councels against the first hereticks, and repressed them.

"4. That the space of threttie-two yeeres before anie expresse and full ratificatioun in parliament, the Generall Assembleis of the Kirk of Scotland were better, fuller, and of greater authoritie, than they have beene sensyne.

"5. That the Gospell of peace, brought in peace and unitie from deadlie warres, in this yle of Britaine, and has nourished and sett fordward the same to this present perfectioun. But unlesse it be keeped in sinceritie, and Jesus Christ suffered freelie to raigne, all the witts of the world will not be able to keepe it in unitie and peace.

"Your brother, poorelie,

"J. MELVILL."

THE ANSWERS OF THE SYNODS TO THE KING'S ARTICLES.

How soone that this letter was read in the Synod, the king's commissioner, Sir David Murrey, latelie made Lord of Skoone, craved the letter, that he might send the copie of it to the king. But he sent away the principall with diligence, and left the Assemblie onlie the copie, under his owne subscriptioun. The Synod rejected the articles. The Assemblie of Lothiane referred their answere to the Generall Assemblie, the king's advocat, Mr Patrik Galloway, Mr Johne Hall, Mr Peter Hewat, Mr David Lindsey, Richard Thomsone excepted. Other Synods likewise rejected, or referred their answeres to the Generall Assemblie. The king and commissioners of the Generall Assemblie thought it a fitt tyme, when the ministers wairded in Blacknesse were convicted of treasoun, to try

the patience and constancie of the rest of the ministrie, but found them not so farre yitt dejected, as to yeeld to suche corruptiouns.

A PROCLAMATION.

Upon the fyfteenth of Februar was published, by sound of trumpet at the Croce of Edinburgh, this charge following:—

"Forasmuche as our soverane lord, and three estats of Parliament, which conveened in Edinburgh in the moneth of May, 1584 yeeres, considering the great harme and inconveniences which fell out within this kingdome, through the wicked and licentious privat and publict speeches, and untrue calumneis uttered by diverse unnaturall and unduetifull subjects, to the disdaine, reproache, and contempt of his Majestie, his counsell, and proceedings, stirring up thereby his Majestie's subjects to mislyking and unquietnesse, and to cast off their duetifull obedience to his Majestie: Therefore, his Majestie and his said estats of Parliament statuted and ordeanned, that none of his Hienesse' subjects of whatsomever functioun, degree, or qualitie, sould presume or take upon hand, privatlie or publictlie, in sermouns, declaratiouns, or particular conferences, to utter anie false or slanderous speeches, to the disdaine, reproache, or contempt of his Majestie, his counsell, or proceedings, or to meddle in the effaires of his Hienesse, or his estat present or to come, under the paine of death. Certefeing them, that if they sall be tryed to be controveeners therof, or who sould heare suche slanderous speeches, and not reveale the same, that the said paine sould be executed upon them without favour, as in the said act of Parliament in lenth is conteaned. In the which Parliament also, by another act, our soverane lord's power and authoritie above all estats of this kingdome, both spirituall and temporall, was established; and, therefore, it was ordeaned, that no person of whatsomever functioun or degree, spirituall or temporall, sould declyne his Majestie's judgement in anie maters of seditioun or treasoun, or other civill or criminall caus, or in anie contumelious or treasonable speeches

uttered by them in pulpits or otherwise, under the paine of treasoun, as in the said other act at lenth is conteaned. And farther, at the Parliament holdin at Linlithquo in the moneth of December, 1585 yeeres, it was statuted and ordeanned by his Majestie and three estats, that all his Majestie's subjects sould conteane themselves in quietnesse and duetifull obedience to his Hienesse and his authoritie, and no wise presume or take upon hand publictlie to declame, or privatlie to write, anie purpose of reproache or slander of his Majestie's persoun, estat, or governement, or to deprave his Majestie's lawes or acts of Parliament, or misconstrue his Majestie's proceedings, whereby anie mislyking may be moved betuixt his Hienesse, his nobilitie, and good subjects, under the paine of death, as in the act of Parliament at lenth is conteanned. Lyke as also in the Generall Assemblie of the Kirk, holdin at Perth, in the moneth of Marche, 1596, at the same instant there was a verie solemne and frequent conventioun of the nobilitie, counsell, and estats of the realme, it was ordeanned and agreed unto, that no minister sould reprove his Majestie's lawes, while first by the advice of his Presbyterie, Synodall Assemblie, sould compleane and seeke remed of the same from his Majestie, and report his Majestie's answere, before anie farther proceeding, as in an act of the Assemblie, which was ratified and approved by his Majestie and estats conveened at the tyme foresaid, at lenth is conteaned.

"Notwithstanding wherof, it is of truthe, that some restlesse and unquiett spirits, als weill of the ministrie as of others, abusing his Majestie's bygane lenitie and favour, and presuming of impunitie, by the bypast prooffe and exemples of his Majestie's proceeding and dealing with them, wherin his Highnesse has verie tenderlie and carefullie sought the peace of the kirk, and reteaning the preachers therof in that modestie which apperteanes to their professioun and calling, ceasse not publictlie, in their sermouns and their privat conferences, to impugne and misconstrue the proceedings of his Majestie's counsell, in the late processe which was used against a little handfull of the ministrie, who contemptuouslie made the fashioun of a Generall Assemblie, and keeped a pretended con-

venticle at Aberdeene, in the moneth of Julie last; and wilfullie and maliciouslie not onlie mainteaned the same sensyne as a lawfull Assemblie, (albeit for manie good causes it be declared unlawfull,) but likewise, most treasonablie and seditiouslie declynned the judgement of his Majestie's counsell in that mater, and thereby deny his Hienesse's royall power and prerogative; wherof they are convicted and found guiltie by a verie famous inqueist of a number of honourable barons and gentlemen of good ranke and credit; whereby these restlesse and unquiett spirits, profaning the chaire of veritie with seditious, slanderous, and uncomelie speeches and railings against the proceedings of his Majestie's counsell, as said is, in contempt and breake of his Majestie's lawes, and of the acts and ordinances of the kirk, doe what in them lyeth to corrupt the hearts of his Majestie's good subjects, and to alienat and withdraw them from their due obedience to his Majestie and his counsell; a mater verie unseemlie in persons of that professioun and calling, and careing with it a verie infamous scandall to the kirk. But seing mercie and clemencie has ever accompanied his Majestie's governement, being extended to unthankefull and bussie-bodeis, produces nothing but contempt above contempt, and the more that his Majestie and counsell deales in peace with this sort of people, they are the more arrogant; and, lastlie, neglecting their studie and privat contemplatiouns, and spending the tyme appointed for preaching and instructioun of their flocke with ydle talke, and impertinent discourses, and medling with mater of estate, wherof there is no toleratioun within no other reformed kirk in Europ; his Majestie and counsell, therefore, has resolved no longer to spaire this avowed proud contempt of his Majestie and his lawes, but to putt the said lawes to executioun with all rigour against the contraveeners therof: And for this effect, ordeans letters to be directed, to command, charge, and inhibit all and sindrie persouns his Majestie's subjects of whatsomever degree and qualitie or conditioun soever they be, that none of them presume, or take upon hand privatlie or publictlie, in sermouns, declamatiouns, or privie conferences, to utter anie slanderous speeches against the proceedings

of his Majestie's counsell, and justice in trying and punishing of the said maters; and in no wise meddle in that mater, nor in no others, the effaires and proceedings of his Hienesse, his counsell, and estate bygane, present or to come, under the paine of death. Certefeing them that doe in the contrare, that the said paine of death sall be executed upon them without favour.

"Certefeing also all and sindrie persouns who sall happin to be present, and heare the said slanderous, seditious, and uncomelie speeches, and sall not reveele the same, that the said paine sall be likewise executed upon them; and siclyke, to command all and sindrie shireffs, stewards, bailliffes of regaliteis, proveist, bailliffes, and counsell within burghes, noblemen, barons, and gentlemen of power to landwart, and ilk one of them, conjunctlie and severallie, who sall be present, auditors and hearers of anie suche false, slanderous, seditious, and treasonable speeches uttered in pulpits, publict sermouns, or otherwise, in reproache, contempt, or disdaine of his Majestie's parents or progenitours, his Hienesse' counsell or proceedings, or meddle with the effaires of his Hienesse' estat bygane, present, or to come, to stoppe and interrupt the sayers and utterers therof, to take, apprehend, and putt them in sure firmance, whill his Majestie and counsell be advertised, that order may be tane with them as accords: Certefeing all and sindrie persons who sall heare the said slanderous and seditious speeches, and sall not apprehend the utterers therof, (if it ly in their power,) and failing therof, to reveele the same to his Majestie's counsell, that the hearer and not apprehender, if it be in his power, concealer and not reveeler, of the said leasing-makers, and authors of the said slanders and seditious speeches, sall be punished in the same degree and measure as the principall offenders, conforme to his Majestie's lawes and acts of parliament made theranent. And further, to command and charge the said shireffs, stewarts, bailliffes of regaliteis, proveist, bailliffes, and counsell within burghes, noblemen, barons, and gentlemen of power to landwart, and ilk one of them respective, to putt the said acts of parliament, and this present proclamatioun anent the stopping and interrupting, taking and

apprehending of the utterers of the said false, slanderous, seditious, and treasonable speeches, to due executioun in all points, within fourtie-eight houres nixt after the charge, under the paine of rebellioun. And if they failyie, to denounce them," &c.

The proclamer of this, before he came to the midds therof, settled doun spiritlesse, so that they behoved to enter another in his roome; the people marking it, and crying out with detestatioun.

The prisoners were in the meane tyme full of joy and confort, as the letter following testifieth :—

A LETTER FROM THE IMPRISOUNED TO THEIR BRETHREIN.

"REVEREND AND DEERELIE BELOVED BRETHREIN.—We have beene so fullie conforted by your consolatioun, and the confort of your love, that we know not what a thanksgiving to rander to God. Surelie our joy has greatlie abounded since the last day, so that we can not sufficientlie wounder at the riches of his free grace, that sould have vouchesafed suche a gift upon us, as to suffer for his kingdom, in which there is joy unspeekeable and glorious. By the which, we are rather in feare, that they be not continued, and so we robbed of farther consolatioun, in suffering for Christ and his truthe, nor that they sould encreasse; desiring some tymes to finishe our testimonie, by giving the last of our blood unto the same: for these afflictiouns are so farre from discouraging, that the abundant consolation therof has encouraged us exceedinglie, desiring now to be conformable to the death of our Lord, that we may be partakers of the glorie to be reveeled. God be thanked in Christ Jesus for all his unspeekeable gifts. Surelie there is great consolatioun in suffering for Christ. And this truthe wherefore we suffer now is sealed to us with manie seales. Onlie we would have the helpe of the prayers of all the sancts, that we faint not in the defence of his Gospell, but that the Lord would assist us in the same. It is the truthe, brethrein in Christ, we dow[1] not expresse unto you the joy which the Lord has caused to abound in us,

[1] Can.

wherof, under him, your love and fidelitie, and throughnesse for Christ and his caus, has beene a great instrument. Lett never a man, for love and pitie to the person, misregard the caus, for we have found our love growing to you by your counsell. Surelie it is our resolutioun, never to blott the Lord's caus that way; and als long as our God sall susteane us, we minde rather to endure the greatest extremitie that flesh and blood can use, than to accept, lett bee to crave, a remissioun. It is Christ's caus and truthe, and therefore lett men ceasse to thinke of these things; yea, that which they doe, lett them doe it quicklie. We hope our God sall strenthen us to the end. Surelie we are not solicite nor carefull in the mater. We know our God can deliver us if he will; and if not, he strenthening us, we sall never give the meanest appearance of denyall of that truthe for which we suffer. So, assure his Lordship, that as we looke for that kingdom and glorie, our purpose is, not to yeeld at all to that, or anie other thing that may prejudge that caus, in so farre as God sall give us wisdom to perceave, and strenth to resist. The God of all consolatioun be with you for ever.

"Yee know who."

This letter was writtin, when the Erle of Dumbar had sent to them one with credit, to assure them he would deale for their pardoun, in cace they would yitt confesse a fault. But they remained still constant.

In the moneth of Marche, there was a letter sent from the ministers of the Frenche and Dutche churches at Londoun, to the ministers of Edinburgh, purchassed partlie by feare, and partlie by sinistrous informatioun of some courteours and court ministers, to the great greefe of the prisouned in Blackenesse. Their letter, and the answere of the prisoners, both in Latine, I omitt, becaus they conteane no new mater, but the calumneis and misreports alreadie made and answered. Upon occasioun of the foresaid misreports, the prisoners of Blacknesse wrote this letter following to their brethrein at home:—

"The confort that is brought to us by the fervent zeale to the

glorie of God, the brotherlie compassioun of our sufferings, the earnest care and studie to have the truthe of God, his sacred ministrie, and our persons preserved both from disgrace and danger in these, (our revefend and deerelie beloved brethrein in the Lord,) is almost swallowed up in our greefe and anguish of heart, arising upon the small regarde which now we cleerelie find some men have to caus the blessed name of God and his saving truthe to be evill spokin of, by making no conscience to suppresse the truthe of our caus; and by malicious calumneis impose upon us suche odious crimes and haynous offences, as, the Lord is our witnesse, we ever abhorred, and doe from our hearts detest and condemne, and of the which we are perswaded that the verie conscience of our traducers does in the sight of God absolve us, in whose presence their lippes likewise one day sall be compelled to justifie us.

"But leaving them, and appealing you, our brethrein, as the witnesses of our innocencie before both God and man, we exhort you, and by the great name of our God, and by the appearing of our Lord to judge the quicke and the dead, we adjure you, if there be anie consolatioun in Christ, if anie confort of love, if anie fellowship of the Spirit, if anie compassioun and mercie, that yee will refreshe our bowells, and confort our hearts with that testimonie wherunto yee are now called of God; being so invited by this our brethrein's letter, whose tender love to Christ and his sancts sould proportionablie provoke you, according as the caus more neerelie tuiches you, and as yee are joynned in a more strait fellowship of the Gospell with us, so to manifest your care in mainteaning the truthe, and vindicating both it, our ministrie, persons, proceedings, and sufferings, from the danger and disgrace of all suche unjust reproaches, and from all prejudices which thereby are entered alreadie, and may heerafter be fostered in the hearts of these, and suche like sincere and godlie brethrein, as yee would free your selves from the guiltinesse of these blasphemeis which sall be uttered against the truthe of God, through your silence, and as yee would deliver your selves from the groans of our boundage, and from the cryes of our blood.

"There is nothing ather of our doings, the caus of our doings, or defence of our doings, left by these informers of his Majestie, and these our brethrein, untuiched with some note of infamie. And feare in us, and that of our prince, unjustlie conceaved and unduetifullie, is brought for the caus. Our proceedings are noted with rebellioun and contempt of his Majestie's charges. Our defence before the counsell is interpreted, a shaiking off all civill and kinglie jurisdictioun. The reasoun of our defence and declinatour is expouned an absolute denyall of all power to his Majestie of medling with the judgement of anie conventioun of pastors. We can not blame these charitable and zealous brethrein to be offended at suche reports. But lett the Lord judge betuixt us and these who have givin this informatioun, and lett you testifie of us if they have spokin truthe of us or not. Doubtlesse nothing cometh from thence concerning us, which first goeth not from hence to them. When, therefore, the wrong that we susteane at home sall be cleered, the offences that are conceaved abroad sall be remedied.

"If charitie be not suspicious, what charity is it, to searche hid and strange causes of an accustomed and ordinarie actioun, in the which, to all single and loving hearts, the verie custome and ordinarie use is warrant sufficient against all suspicioun of new pretences? Our meetings in Generall Assembleis, by commissioun from presbytereis, is no new thing. We made no choice of tyme nor place to our selves, but keeped both, as they were appointed before for that same purpose; the warrant wherof we have, and yee also, subscribed by his Majestie's commissioner, and Mr Patrik Galloway being moderator, and Richard Thomsone being scribe to the commissioners. But lett it be, there were other causes; was there none but feare? May not manifold inconveniences, following from the long delay, more nor manifest to all men, (albeit little regarded of us who are the watchemen,) have beene motive eneugh to have performed an ordinarie duetie to the kirk of God in perrell, when iniquitie did everie where abound, idolatrie did daylie increasse by the practise and bussinesse of Jesuits and Seminarie

preests, that were entered the kingdom, and securelie did travell and traffique within the same? Other inferiour judicatours of the kirk were securelie contemned by the cheefest malefactors, who did elude them, and escape their censures, by appelatiouns to a Generall Assemblie, which they never expected; and fearefull and lamentable schismes daylie growing, to the utter renting of the bodie, as the miserable effects in diverse parts of the kingdom doe evidentlie witnesse. Which evills doe not onlie increasse and goe on, but daylie produce brood like to their owne kinde. Notthelesse, we grant there was feare, and that not without caus, and rashlie conceaved, albeit not so muche of his Majestie as of our owne bowells. Was it tyme, then, to the servants of Christ to have lyen in a carelesse securitie, when an opin and manifest irruptioun was made upon the inheritance of God, by some, under pretence of a limited commissioun from our Generall Assemblie, who did invest and possesse themselves with the full jurisdictioun and authoritie of the kirk in all things, and daylie did promove their intended change of the estat of our discipline, in bringing us againe under the boundage of that spirituall tyrannie, first of a perpetuall *dictatura* under the foresaid name of commissioners, as the fynnest cover for their future intentioun; and nixt, of the antichristian slaverie of the Romish hierarchie of others, under the title and stile of Lordships, notwithstanding, by promise, oath, and subscriptioun, in a solemne printed Confessioun of Faith, called the King's Confessioun, universallie and by publict authoritie embraced, it had beene abjured by all estats, under no lesse paine nor eternall damnatioun both of bodie and soule, in the day of God's fearefull judgement? Which confessioun, for the notable estimatioun therof, is translated in diverse languages, and published in Latine by Mercurius Gallobelgicus. These persons, to passe by their owne and other men's discovereis of the foresaid purposes, the presentatioun of the foresaid bishops to their bishopricks, with full authoritie over their brethrein, and other cleere evidences of their foresaid intentioun, they have now, by opin professioun in publict sute to all synods, justified our just feare, in making it now manifest to all

men that the perpetuall *dictatura* of the one, and lordlie dominatioun of the other, is the cheefest mysterie that stayes our Assemblie, which, they feare, must needs goe doun if it held; and likewise, is the verie caus which makes them with suche hatefull inimitie to persist against us for our meeting, finding thereby their almost accomplished interprise somewhat impeded.

"We passe the intending to controll synods, in staying them by their ordinance, from proceeding in their lawfull censures against opin transgressers, and their rescinding of the doings of presbytereis at their pleasure, and removing of the most faithfull pastors from their flockes, becaus they did not please their humours. We speeke nothing of the publict stay made by the counsell's authoritie to the inferiour synods, in censuring publict offences, which all were more nor just causes of feare, and reasounings more nor sufficient, to have made all men more vigilant and fordward in that commoun duetie, which onlie was able to remeed and putt stay to the course of all these imminent evills. Sinistrous suspicioun of all men, lett be of our gracious soverane, we deteast; but feare and provident watchefulnesse over the whole hous of God, and everie member therof, we beleeve no wise to be damned, it being a thing so familiar in the apostles themselves, speciallie Paul toward the Corinthians, Galatians, and Thessalonians, and Job also feared his childrein. So weill does this feare agree with naturall love, that where this feare is not in a pastor, there cannot be great fidelitie; for what sall caus watchefulnesse in foreseing, and carefulnesse in preventing all dangers, but feare? Yitt the meanes were not used to remeed this feare. We hope it is knowne to you all, brethrein, how that sevin severall tymes at least, supplicatioun was made for preventing the day appointed. In respect of the foresaids, and others diverse inconveniences, by imploying these foresaids persons at his Majestie's hands, (with what fidelitie on their part, we leave it to God;) but none wanted an answere, all tending to delay, yitt so as we were putt in full assurance, that if it were not prevented, yitt at the day appointed the Assemblie sould hold without faile. It is likewise knowne, that at our ear-

nest desire, the foresaid brethrein being conveened at Perth by the Laird of Lauristoun, manie commissioners from diverse provinces being there assembled, did instantlie require a conference of them, for the peaceable settling, by mutuall advice, of all occasiouns of schismes or trouble in the kirk; which was constantlie refused by them, so that nothing could be effectuall for preventing the dangers and establishing of a perfyte unitie.

"The alledged contempt of his Majestie's command is so manifest a calumnie, that we mervell (and we hope so doe yee also) that the authors therof are not ashamed still to persist in so knowne an untruthe. The commissioner's letter, sent to the presbytereis, was not seene of some of us; and albeit all had seene it, as some did, sall it be accompted contempt of his Hienesse' command, in us who went not of our owne head, but at the speciall directioun and command of our presbytereis, in whom for sending us, and not in us who are holdin to obey them, that contempt is, if anie be to be found, seing to them, and not to us in particular, these letters were directed; and albeit our presbytereis doe professe and avow the sending of us, yitt must we, as the weakest, and not they, be accused, and suffer for their fact? Although this were not, yitt who among you all knowes not, that no presbyterie is to be blamed nor burthenned with contempt of his Hienesse's command, for disobedience to that letter? Was not all power of prorogating, for altering tyme or place of Assemblie, utterlie taikin from them by an act of the Generall Assemblie, holdin last at Halyrudhous, 1602, made in his Majestie's owne presence, and with his consent, for remeeding of the greefe givin in to the Assemblie, against suche dslayes and alteratiouns made by the said commissioners before, without advice of synods and presbytereis? And does not that same ordinance prescribe, that the dyetts of the Assemblie be appointed and keeped preciselie, according to the act of Parliament 1592? Is not this a more authentick significatioun of his Majestie's will, nor aught that is contrare heereto, could proceed from the naiked professioun and directioun of their letter, who by vertue of the said act sould have ceassed from all suche doing?

"Beside, yee know how farre that letter of theirs was repugnant to the foresaid ordinance of the Assemblie, act of Parliament, continuall custome and practise of the kirk, which all require a definit prorogatioun to a certane day and place; whereas, it was an indefinit designing nather of tyme nor place, which did give just mater to the presbytereis, considering the authors and their practises to conceave so of it, as now experience has taught to be true. We speake nothing of that other policie used therin, for causing the presbytereis to mistake the day, in pointing out the fyft of Julie for the secund, which was the occasioun that the most part of the presbytereis did direct their commissioners unto the fyft day, and so made our Assemblie upon the secund day, designed by the same men before in their first letter, to be so rare. Lett all suche simple hearts judge, after they had stayed the Assemblie for the space almost of three yeeres before, if this last indefinite prorogatioun in forme, as said is, comming from suche persons, to suche presbytereis as receaved it not above twelve dayes at the most before the dyet of the Assemblie, in a tyme so necessarilie requiring a meeting, did it not minister just mater of feare to all faithfull pastors, in whose hearts there remaineth anie spunke of zeale, or smallest measure of loving care and watchefull attentioun to the peace and prosperitie of the kirk of God?

"The other alledged intimatioun of his Majestie's command in the place of our meeting, if it be meaned of the pretended publict charge, we require you, in the name of God, to witnesse that which yee know heerof. The charge which we receaved personallie we obeyed, and have famous testimonie under the subscriptioun of three notars, the commoun clerk of the toun of Aberdeene being one of them. But becaus this charge could nather bring us in contempt, nor call our proceeding in questioun, as being givin after we had done all that was done at that tyme, therefore was there another charge fained, as givin publictlie at the Croce of Aberdeene, the day preceeding our Assemblie, and givin in, as executed, to the counsell, against us by the Laird of Lawrestoun. Which charge, by oft and diverse supplicatiouns givin in to the counsell,

we have offered to reduce and improve; but never could be heard nor admitted, their owne consciences perswading them of the forgerie therof, the verie pretended executioun and indorsatioun it self sufficientlie testifying the same; it being an opin proclamatioun, warranted by two witnesses, Lawrestoun his owne domesticks allanerlie. Whereas it is of truthe, that diverse honest men were at that tyme in, and about the publict mercat place; and yitt, no man is found to beare witnesse therof, that ever heard it, except these two before specified allanerlie. And if it had beene, why did not Lawrestoun conveenning with us, and sitting with us, make intimatioun to us? Why to the contrare, did he affirme, in delivering the counsell's missive, that albeit he might have had charges, yitt would he not use them? Why did he agree to meete with us? Why did he present to us as lawfullie conveenned, the counsell's letters? Why did he require an answere of us thereto? Why after the answere, did he caus charge us again with these same letters personallie, without ather mentioun or intimatioun of anie former charge?

"But if the intimatioun be meanned of the counsell's missive, it was obeyed in all things, except onlie in the indictioun of a new day, which, for preservatioun of the priviledge of the kirk, could not be omitted. And no thing more did we, of purpose to satisfie his Majestie and the counsell's desire; and yitt we are disobedient! If the questioun be onlie of prorogatioun, why are they not satisfied, seing we did grant it? If they be not satisfied, why is yitt not yeelding to prorogatioun at his Majestie's desire, still alledged to be our offence; or why doe not our brethrein rather confesse the truthe, seing, if they aimed onlie at the prolonging, and not at a simple deserting of the dyet of our Assembleis, they had their desire? Yitt the requeist of the letter was not obeyed. We leave it to be judged of all men, what contempt of his Majestie's authoritie this can be, to refuse the privat requeist of his Majestie's counsell, being contrare to his publict law, and also his will opinlie signified in our Assembleis, and enacted in the bookes therof, with his Majestie's owne consent, as is before said, and con-

trare to the order and perpetuall custome of the kirk, conforme to the law conteaned in the Booke of Discipline, established in this land, at his Majestie's owne sute, publictlie made to the Generall Assemblie therof, holdin at Glasgow, 1581, in Aprile, cap. 7, 'Of Elders and their Offices,' Article 3 *et* 4, bearing, that all the ecclesiasticall Assembleis have power to conveene together, for creating of things concerning the kirk perteaning to their charges: they have power to appoint tymes and places to that effect, and ane Assemblie to appoint the dyet, tyme, and place for another. Likewise we leave it to be considered, what warrant the said requeist could be to us, to save us from just rebooke and punishment before our ordinarie judge, if therupon we sould have neglected so necessarie a ductie, commanded by the lawes; especiallie seing first we had offered it absolutelie in the hands of his Majestie's commissioner, farther than ather law or practise in his Majestie's owne presence did require, to defyne the tyme and place, long or short, as he pleased, and yitt was refused by him? Nather yitt did we our selves make the said indictioun, till after reasoning, he had beene made to confesse, that we had reasoun to sticke on that point, albeit he could not consent thereto himself, as having no commissioun to that effect; and till that plainlie he had signified unto us, that it was thought we sould never have a Generall Assemblie heerafter?

"Again, as concerning our clerk, yee are not ignorant, that the Assemblie has alwayes had power, according to the continuall practise, both to creat and deprive their owne members. Yitt we did neither. Onlie, at the desire of the ordinarie clerk, we did dispense with his presence at that tyme, and caused one of their number to supplee his place, according to the custome observed at diverse tymes in the said Generall Assembleis before, and ordinarilie used in other inferiour synods.

"But what sall we say, or what rather sall we not say, against that impudent calumnie, wherin these reverend fathers are informed of us, anent the casting off of all civill and kinglie jurisdictioun, by our declinatour, whereby the authors have done what in them

is to involve us in the furious madnesse of the Anabaptists, and usurped tyrannie of the Papists, whose execrable follie, the Lord knowes, we utterlie detest. Lett the Lord looke from the heavens, and consider this thing; and lett him prepare his throne for judgement, to judge our caus in equitie with these men. Did we ever declyne his Majestie's royall authoritie; or did we ever declyne the counsell, in anie thing wherof they are appointed judges over anie other subjects? Does not our supplicatioun givin to the counsell before our declinatour, expresslie beare, a humble submissioun of our selves to them in all things civill, referring onlie the dueteis and oversights (if anie sould be found) of our spirituall calling, to the ordinar spirituall judgement seates of the kirk? Doe not our answeres givin in after our declinatour, by way of declaratioun, sufficientlie witnesse our innocencie in that point? And did we not, to the full satisfactioun of all Christian hearts, interprete the same before the justice, removing all scruple which might arise by reason of the word '*simpliciter?*' Which interpretatioun standeth in the said justice bookes, for a testimonie to all ages, of the willfull malice and malicious transgressioun of our traducers in that point.

"These things are not hid from you. Diverse of your selves were ey and eare witnesses of them. Sall not then your mouths be opened, to beare witnesse to so knowne a truthe? But sall we, your afflicted brethrein, be left by you under this burthein so unjustlie imposed upon us? And sall yee suffer, by your silence, in the hearts of suche brethrein, the opinioun of so abominable an heresie in our persons? Yee see, brethrein, how all our doings are wrested to the worst sense; and whatsoever may cleere our innocencie is wilfullie suppressed. Therefore, if you can have the extract of our foresaid interpretatioun, with the rest of the processe deduced against us, with our answeres according to the truthe authenticklie, we hope, that so farre sall we be from being ashamed, and others our loving brethrein from being affrayed, of that convictioun of us, in the alleged crime of lese-majestie. In that caus, the verie productioun of their owne processe, by the informatioun

which it sall minister to all indifferent mindes, sall serve to purge both us and our ministrie, from all blott and infamie of so vile a crime and odious, and to manifest the iniquitie of that sentence pronounced against us. We sall need to speeke nothing to that act of Parliament, which is the ground of that processe; nor of the desolatioun both of kirk and commoun weale at that tyme, the yeere of God 1584, when it was made the principall stoupes of both, being forced to forsake the land, and to take refuge, where these our brethrein did then, and presentlie doe injoy theirs. Nather sall we need to speeke of the wrathe of God visiblie manifested upon him who did caus make that act, nor of the end wherefore it was made, the same course of episcopall tyrannie being then in hands, as it is now; nor of his Majestie's gratious reformatioun of that act, and sindrie others after made, in the restoring again both of kirk and commoun weale, as the first act of parliament, 12, 1592.

"We sall not need to affirme, that the said act was never yitt practised upon anie; although to witnesse that this our deid to declyne the counsell is not a new nor unaccustomed thing, a declinatour was used of their judgement of before, subscribed by the hands of these same men of the ministrie, who are now most against us, and moe nor other three hundred pastors, which is yitt extant. And also, it is, and has beene, an ordinarie custome in civill and criminall maters, even of civill persouns, to declyne the counsell, and take them to the judgement of the Lords of the Sessioun, and to the Justice, upon the different qualitie of the civill fact. We sall not need to speeke nothing of the motive used to perswade the persons on the assise to convict us, as though that no harme had beene meanned, ather to our persons, conditiouns, or goods; but that so muche behoved to be done, for preparing the way to our peace. We may likewise passe in silence, the intercommouning with the assise after that they were enclosed, and the benefite which thereby, as we justlie doe clame, so we hope his Majestie sall, in equitie, caus us to injoy, according to his owne law in Parl. I., Act 91, 1587 yeere. We may also ceasse to speake

of the wrong which in that judgement we susteanned, in that our partie was also our judge. The verie sight of that registred processe sould be sufficient to all who would judge of us and our proceedings according thereto, to free us of all guiltenesse of transgressing the precept of the apostle, tuiching subjectioun to superiour powers. Nather would we refuse, if thereby we sould be found, mainteaners of suche detestable opiniouns as doe the Anabaptists, or despisers of governement with the Papists, to be forsaikin of all the faithfull; thrust out of their societie, as suche whose inordinat walking doeth merit that they withdraw themselves from us, and leave us expouned, as a prey, to the just deserved punishment of suche iniquitie.

"If, therefore, yee can by anie meanes have the extract of the said processe, to impart it to our brethrein for their informatioun, it suffices; if not, as we can easilie beleeve, then let your owne testimonie be givin, according to the truthe of this mater. If anie errour be in our judgement, tuiching the qualitie of the fact wherof we are accused, we have beene, and yitt are all readie, even as in all other things, so in that also, when it shall be shewed us, to amend. But what we have yitt affirmed, the bygane practise of our kirk in his Majestie's owne presence does ratifie. The lawfulnesse of the Generall Assemblie, *anno* 1596, being greatlie controverted, notwithstanding that his Majestie had beene present thereat himself, his Majestie was so farre from claming the judgement of the lawfulnesse therof to himself, or to his counsell, that at the nixt Generall Assemblie holdin at Dundie, 1597, he did require the questioun to be decided there, as properlie perteaning to that judicatour, according as the register of our Assembleis beares. Yitt are we so farre from denying his Majestie's interesse in all ordinar practises, even of pastors, that by the contrare, we acknowledge, that not onlie in their meetings, but in the whole worship, his Majestie's power, as the nourishing father of the kirk, sould be imployed for the maintenance of puritie of doctrine and discipline, according to the order prescribed in the Word of Jesus Christ, the onlie Lord, Head, and King of his Kirk, the onlie Lawgiver in

religioun, and spirituall governement of his hous; and that, not onlie in causing repaire whatsoever is decayed in the true worship of God, and order of his hous, but also, in repressing all contrare worship and order, and in punishing all contemners and negligent, in whatsomever the Lord has commanded, being *vindex utriusque tabulæ*. So, with our brethrein, we approve the prince's right, in causing the pastors and spirituall office-bearers in God's hous observe and conforme their assembleis and meetings, to the ancient institutioun of Christ and his apostles in the Word. Yitt farther, in this caus of ours, we never ather refused or declyned his Majestie's judgement in our Generall Assemblie, according to the order hitherto observed in this kirk by his Majestie's self, during his presence with us; confessing in the sight of God, that there is nothing which may, or ought to be granted to anie Christian magistrate, that sould be denied to his Majestie. We never refuse, but that his Majestie might, and may appoint tyme and place of ecclesiasticall synods, as that the kirk may prorogat the dyet, is sometimes at his Majestie's desire.

"But this indeid we denie, that the authoritie of these spirituall meetings, and power to appoint tymes and places for them, doeth flow from anie humane permissioun or appointment, as though Christ, who onlie and alone has receaved all power from the Father both in heaven and earth, had givin no priviledge nor power to his kirk in these things; but that the spirituall meetings and assembleis of the spirituall office-bearers, in the name of Jesus, sould be acknowledged not to be from heaven, but from men; and so, not the immediat ordinance of God, but naiked ἀνθρωπιναι κτισεις; albeit in the foresaid Booke of Discipline, cap. 1, art. 10, it is expresslie sett doun, that this power ecclesiasticall flowes immediatlie from God, and the Mediator, Jesus Christ, and is spirituall, not having anie temporall Head on the earth, but onlie Christ, the spirituall King and Governor of his kirk; the kirk's power both in assembling and appointing tymes and places to that effect in this kingdome, the articles of the Booke of Discipline mentiouned before, the act of Parliament, the continuall custome and practise of the kirk,

beside the evident warrant of the Word of God, more than suffi cientlie declairs to all men.

"As for abrogatioun of the Assembleis of the kirk, our brethrein themselves, in their letters, doe not onlie denie all power therof to the magistrat, but will have it esteemed an high offence to anie to suspect our soverane, so renownned for wisdome, learning, and pietie, sould have anie suche purpose or intentioun as to abolishe our Generall Assembleis, being so necessarie a bulwarke of the kirk. Would to God, this grave testimonie of these so reverend fathers, might perswade some our brethrein among ourselves, to esteeme more of that benefite in such pryce with them that have it not, and that heereby they could be moved to acknowledge the wrong done to the kirk, in their bygane practises against it; which some of them have not beene ashamed to affirme, nather to be necessar to the kirk of God, nor warranted in his Word. In the which, whatsoever is commanded and prescribed tuiching the order in the hous of God, we esteeme it not lawfull to anie creature in heaven or earth to alter, impede, or abrogat, seing a curse is pronounced against him, whosoever he be, that ather addes or paires from that writtin testament and gospell of truthe, wherof the discipline of his hous is a part, howsoever men of corrupt mindes would have it esteemed a mater indifferent, and the profane Machiavells and godlesse flatterers of this age would perswade princes that they cannot be kings, except the kirk of God in suche maters be subject to their directioun and pleasure. We doe indeid, in all humilitie, acknowledge ourselves, and everie one of us, as we are a part of the civill bodie of this commoun weale, to be subject to his Majestie's power and authoritie, tuiching this present life, without exceptioun; confessing him our undoubted, lawfull, and onlie Head in, and under God, and from God. But as we are members of the spirituall bodie of Jesus Christ, our Saviour, his Majestie himself, as ever hitherto, so yitt will never acknowledge another Head but Jesus Christ himself alone; and that the spirituall office-bearers, to whom the governement of the hous of God is committed by Christ, as these to whom alone he

has givin the keyes of the kingdome of heaven, in the discharge of their spirituall functioun, are no farther, nor in anie forme, subject to his Hienesse' authority, than we have of before acknowledged.

"So farre ever was his Majestie, in all his proceedings among us, from anie usurpatioun of power over the inheritance of God, and kingdome of Christ, in maters spirituall, that ever during his Majestie's presence among us, he alwayes did remitt the moderatioun and resolutioun of all suche maters, to the spirituall office-bearers, in their lawfull assembleis. In the which, his Majestie being present, did never use anie farther priviledge, in the determinatioun and ordering even of the meanest maters, yea, even in the designatioun of tymes and places of our meetings; but of his owne simple vote, acknowledging the decisioun and judgement of suche things no wise to belong to anie judicatour civill, and by a protestatioun made by the kirk, and admitted by his Majestie, in a conventioun of the estats at Perth, 1596, is cleere and manifest, the kirk having therin protested, that they did not submitt anie maters ecclesiastick, ather concerning doctrine or discipline, to their judgement, as the register of that Assemblie beares. And as to his Majestie's consent, we cannot perceave how anie, for this our last meeting at Aberdeene, in that respect can justlie blame us, seing it was an ordinarie Assemblie, and ordinarilie indicted, according to the law and custome of this kirk. And it is manifest, that his Majestie himself has (beside the act of Parliament foresaid, and act of the Generall Assemblie at Halyrudhous) at a preceeding Assemblie at Dundie, 1597, May 14. In the explicatioun of the article condescended to at Perth, ordeaning, that no conventioun of pastours be without his Majestie's knowledge and consent, his Majestie himself declared his consent to be extended to all and whatsomever forme ather of Generall Assembleis, or speciall assembleis, ratified and authorized by his Majestie's lawes, according as they have warrant in the Word of God, as being the most authentick forme of consent that anie king could give.

"This we beleeve is manifest to you all, that in nothing we have

done anie harme to his Majestie's royall authoritie, nor ministrated anie just mater of offence to his Hienesse, in our proceedings, by subtile policie, or forged pretences of unduetifulnesse toward his Majestie. He is made our partie by these who find their unlawfull interprises somewhat impeded by our lawfull and orderlie proceedings, that under the covert of his Hienesse' wrathe, the more secreitlie and securelie they may worke out their revenge upon our persons. These things being considered, we referre the drift of these our brethrein's letter to be weyghed and pondered by your judgement, whereby they seeme by inevitable necessitie, to bring us to confessioun, and so, in effect, to an opin acceptatioun by our voluntarie submissioun of the foresaid cryme of lese majestie upon us, as though the authoritie and dignitie of kinglie jurisdictioun could no wise be mainteaned, and keeped free of contempt, without ather executioun of the sentence pronounced, or purchasse of pardoun by our humble sute at his Majestie's hands. Is it so, that safetie of commoun wealths, and rights of civill judgement-seats can not be preserved, except all sentence pronounced on them be ratified? Is it not possible, that wickednesse may be in the place of judgement, and iniquitie in the place of justice? The Lord has said, that justice establisheth the throne. It must needs be, then, that perverting of judgement is the cheefest caus of the hurt and decay both of the dignitie, reverence, and authoritie due to princes, and of the floorishing estat of all commoun wealths. Why then sould not his Majestie, as the minister of God appointed for justice, exactlie try, and make narrow inquisitioun of the equitie and iniquitie of that sentence; and as he beares the sword, to the terrour not of these that doe good, but of these that doe evill, so execute his power, by revenge upon the malefactors, and by protection of the just?"

"But if this benefite of due and exquisite tryell can not be obteaned, then may his Majestie, by a more compendious way both preserve and mainteane his government, from the guilt of innocent blood of the servants of Christ, and his royall authoritie from all contempt, in granting us the benefite of his owne law

made in 11 Parl. Jac. VI., Julie 29, 1587, Act 91, ordeaning, that all assises be enclosed them alone; and no persoun to be suffered to be with them, nor to repaire to them, under anie pretence whatsomever; and that they be not suffered to come out, for whatsomever caus, till, they being agreed, returne their answere to the judge; otherwise, or incace anie point of the said act be transgressed, the partie accused to be holdin and pronounced cleane, and innocent of the crimes and treasouns then layed to their charge. For it is sufficientlie knowne, nather will the Justice himself, and remanent judges then present, deny but that there was resorting of some of them to the assise, and of the chanceller of the assise to the Justice and lords. If neither can be obteaned, but that the conclusioun of our brethrein's letter must take effect, we would beseeke you and them also to informe us, how ather by a confessioun the inconveniences of their letter can be eshewed, and not rather promoved; seing no flesh, lett be flatterers of princes, can justifie a partie confessing himself guiltie, nor yitt will eshew the violatioun of that Christian precept, which themselves admitt in this caus, in willing us not to call good evill, against our hearts; seing the questioun is not concerning our infirmiteis, which must accompanie these best actiouns, so long as we carie about with us the bodie of death. In respect whereof, might appeare by their reasoning, there could be no actioun of a pastor, if it please the magistrat to querrell; na, not the best and most acceptable to God, and agreeable to the lawes, which sould not bring the pastor in reverence of the authoritie of civill powers.

"Surelie, we beleeve not, that his Majestie will anie wise desire his governement, so beautified with the blessing of the gospell, to be stained with the blood of the sancts; nather will we expect, that without farther warrant in conscience, according to justice, that our wise and godlie soverane will venture so rashlie in maters of suche weight, upon the weake confidence of anie approbatioun of his Hienesse' proceedings, which may flow from suche men, (wherof theres all never be wanting enew,) who, for the pleasure of princes, and their owne privat gaine, without regarde of God or

good conscience, or the prince's weale, extoll and justifie all his actiouns. Nather are we feared that our innocencie sall want witnesses. For although there were none among men, yitt sall our verie blood speeke with Abel's; and the dust of the earth that receaveth it sall cry to the Lord, and waken him who judgeth righteouslie to judgement, to make it knowne to this whole kingdom, that incace our lives be spoiled for this actioun, under the pretence of the shadow of justice, innocent blood doeth ly upon it.

"If yee have anie better counsell to give us, according to the desire of their letter, we are readie in all humilitie to embrace it, as these who are taught of God, (howsoever otherwise esteemed of men,) to follow the informatioun of a greater light, whensoever our consciences sall be sufficientlie instructed in the veritie therof by the Word of God; whose Spirit possesse and sanctifie all your hearts, and direct and governe you in all your wayes, to the fulfilling of your ministrie in all fidelitie and holie wisdom, to the glorie of his blessed name, and confort of his afflicted kirk. Amen."

In the moneth of Aprile, the counsell, finding that their proceedings against the mininsters were evill thought of both within and without the king's dominiouns, they published in print a booke, the title and tenor wherof followeth, penned by Sir Thomas Hammiltoun, the king's advocat.

"A DECLARATION OF THE JUST CAUSES OF HIS MAJESTIE'S PROCEEDINGS AGAINST THESE MINISTERS WHO ARE NOW LYING IN PRISOUN, ATTAINTED OF HIGH TREASOUN; SETT OUT BY HIS MAJESTIE'S COUNSELL OF THE KINGDOM OF SCOTLAND.

"As his Majestie's fatherlie care has ever beene so great toward his people and loving subjects; as he has not onlie beene carefull to governe them by just and equitable lawes, but likewise, hath ever had a speciall respect to the true and right informatioun of their mindes, as tuiching all their publict actiouns and proceedings; so, for this purpose [he] has ever from tyme to tyme, by

publict declaratioun and proclamatioun, interpreted and explained to all his loving subjects, his true intentioun, and sinceritie of his meaning, that thereby his subjects' knowledge of his will, and of the grounds moving him therunto, being joynned to their duetifull and naturall inclinatioun of obedience, a reverent love, together with a feare to offend, might be continuallie encreassed and nourished in their hearts; their obedience not proceeding of a naiked feare, but from a feare mixed and strenthenned with love, for good reasouns, and founded upon a good conscience, and cleere knowledge of the truthe. And as this his Majestie's fatherlie care has, ever since his majoritie of yeeres, most cleerelie appeared in all the points of his Hienesse' governement of this kingdom of Scotland, so now, upon that late occasioun of the rebellious and traterous misbehaviour of some particular ministers within this kingdome, his Majestie continuing his former loving custome toward his subjects, has thought convenient to sett out this present declaratioun, for satisfactioun of his Hienesse' subjects of all rankes, concerning his Majestie's course and proceedings in this cace. And becaus he has just reasoun to conceave, that if anie of whatsoever estat or degree of his Majestie's subjects be so unduetifull, as to have anie scruple of the justice and necessitie of his Hienesse' proceedings heerin, it doeth onlie proceed of ignorance, or mistaiking the truthe of his Hienesse' actiouns. His Majestie is therefore moved to thinke, that there can be no so good and sure way of true informatioun of all his subjects, as to sett doun unto them the true estat of the questioun, together with all that hath followed and risin therupon, the mistaiking wherof (his Majestie doeth assure himself) is the onlie caus from whence all scruples in some men's hearts (if anie be) doe spring and proceed.

" His Majestie, for the three or foure last yeeres together, before his departure out of this kingdome, being caried with a most ardent zeale and earnest affectioun to the advancement of God's glorie, and establishing of the religioun presentlie professed, never spaired to undergoe in his owne most royall and sacred persoun, almost intolerable paines and fashrie, for preventing of all disorders

and corruptiouns which creeped into the church; and for setting doun and establishing suche a solide and comelie forme of governement, as might be able to preserve the puritie of our professioun, and procure the establishing of a solide peace and quietnesse in the church; and for that caus, was ever present at all the frequent meetings and assembleis of the ministrie in this kingdom. And if his Majestie's effaires, and other incident occasiouns, had beene suche as he could not be able to keepe the appointed place and dyet, to the which he had called the Assemblie, his Hienesse did ever carefullie prorogat and continue it, till suche other tyme and place as his leasure might permitt him to be present at the said meeting. And as his Majestie, by these his travells, had alreadie putt this our church in a good beginning, and forwardnesse of a good order and frame, so he no way doubteth, but if he had made anie longer stay amongst us, he would with God's assistance have brought it, by this tyme, to a reasonable and expected perfectioun.

"But suche is the malicious invy of the evill disposed sort, grudging at the progresse of anie good mater, that some of these ministers, who ever had beene hinderers and crossers of that good worke als farre as they durst, even in his Majestie's owne presence, conceating with themselves that now in his Hienesse' absence from this countrie, (with whom they supposed all memorie and regard both of church and commoun wealth had beene altogether forgotten and neglected,) and that by reasoun of the assignement of a day in the moneth of Julie last past, for keeping of an Assemblie, (betuixt the appointment wherof, and the tyme it self, interveenned that most happie and necessarie caus of his Hienesse going into England,) they thought a verie fitt occasioun was offered unto them for prosecutioun of their intentiouns. And, therefore, they endeavoured, to the uttermost of their power, to reverse and overthrow all these good orders and godlie constitutiouns formerlie concluded, for keeping of good order in their church; and partlie, by secreit suggestioun of false calumneis to the simple and ignorant, and by plotting and combinatioun with these of more turbulent spirits, who, knowing that their owne

inabilitie would impede them to be anie way preferred, made choice, with the camell, to drinke in muddie waters, and by perturbing of maters rather to overthrow all good order, than that by settling of the church governement, the vertues of others and their vices and imperfectiouns sould be cleerelie discovered and distinguished: Therefore, to assure themselves the better of the compassing of this their designe, they spaired no tyme, nor left no meane unassayed, to preoccupie men's opiniouns, to anticipat their votes, and to make up a strong factioun against the meeting of that Assemblie; thereby fullie intending to bring the estat of this church to a most evident confusioun and disorder.

"Upon some notice of the which mischevous plotts and machinatiouns, his Majestie considering that his absence from that future meeting of Assemblie, and the neere approaching of the tyme appointed for the keeping therof, were embraced by these turbulent spirits, as fitt opportuniteis and good occasiouns offered unto them so to overrule that mater, by thus preparing and packing up of votes before hand; that howsoever the better sort sould oppose themselves therunto, yitt they sould be sure to make the estat of this church without anie rule at all: And, therefore, his most excellent Majestie continuing in that fatherlie care, which he ever caried to this church and realme, by his Hienesse' letter signed with his owne hand, directed unto the commissioners of the Generall Assemblie, signified unto them his speciall pleasure and will, that that meeting and Assemblie appointed to have beene the secund of Julie now last past, sould be deserted, and that no new indictioun sould be made ather of day or place, without his Majestie's consent. And therafter he desired, that some of the bishops, and also some of the best, wisest, and most religious of the ministrie, sould repaire toward his Majestie with all convenient speed, that his Hienesse, with their advice, might not onlie resolve upon all suche grounds, as were fittest and most expedient for settling of the peace of the church, but might also appoint some fitt and convenient day and place for holding of a new Assemblie.

"Upon the recept of the which letter, the said commissioners of

the Assemblie, by their missives directed unto all the presbytereis of the kingdome, certified them of his Majestie's pleasure and will concerning the deserting of that meeting; willing them, that they sould not in anie cace send their commissioners to keepe that day formerlie appointed, and now by his Majestie's warrant deserted, but that they sould expect the appointing of a new day and place for keeping an Assemblie. But so farre were some of the ministrie from making anie accompt of his Majestie's directiouns, (a thing most detestable in anie subject, muche more in anie of the ministrie, whose doctrine, life, and whose actiouns ought to be lanterns to others, of all duetifull obedience to their prince,) as by the contrare, in plaine contempt therof, most seditiouslie they conveenned at Aberdeene, and being guiltie to themselves of their owne inabilitie, unworthinesse, and small gifts, conjoynned with a bad inclinatioun, they being despaired, that in doing good they sould ever become memorable, and overruled with a burning desire of vaine glorie, resolved, by overthrowing the governement of this church, and by enducing all disorder therinto, to make themselves (at least for their evill) famous, with that some tyme burner of the temple at Ephesus. And howsoever the advertisement of his Majestie's pleasure and will, for the deserting of the said Assemblie, sent by the commissioners, was duetifullie receaved, and willinglie obeyed, by the whole presbytereis almost of this kingdom, yitt some few ministers, not exceeding the number of eighteene or nynteene persons at most, overruling the rest of the poore brethrein of their eight or nyne severall presbytereis, (over whom, by reasoun of their said brethrein's simplicitie, and their owne craftinesse, they had gott, in tyme past, verie muche advantage, and had them in a maner tyed to their girdles, to consent to anie thing whatsoever,) so brought it to passe, as by their procurement, the declaratioun of his Majestie's pleasure was contemned, and they themselves chosin commissioners to that meeting, which, by his Hienesse' commandement, was deserted. And we of his Majestie's counsell, fearing that the presumptioun of these few, (howsoever in words professing, yitt in their deids directlie impugning, his Majestie's authoritie royall,

under a coloured pretext of their zeale to religioun, which, alas! is now most detestablie abused, as an ordinarie cover and excuse for everie treasoun and trespasse,) thus conveening without regaird of his Majestie's command made to the contrarie, might be a dangerous preparative to the whole estat, considering that these who sould be the teachers of others were now become the onlie violators of their obedience to their most gracious and religious soverane: Therefore we directed Sir Alexander Straitoun of Laurestoun, knight, to the said burgh of Aberdeene, with speciall warrant and commandement to prohibite and charge that few number of ministers from conveening at all; and also by a speciall missive, writtin unto them, was signified his Majestie's pleasure concerning the deserting of that dyet.

"Notwithstanding of the publicatioun of the which charge at the mercat croce of Aberdeene, the day before their meeting, they being all in toun, and the deliverie of our letter the nixt day thereafter, they being all conveened, were so farre from careing anie respect to the charge which was directed and executed in his Majestie's name, or to the missive sent from us, or to the bearer, being his Majestie's commissioner in church effaires; as the first being contemned alreadie, the letter was superficiallie answered, and the bearer (whose presence at all their doings was ordinarilie most necessar) was nevertheless at this tyme excluded furth of doores all the tyme of their keeping that Assemblie, till the end therof. A particular relatioun of all which circumstances being faithfullie made to his Majestie, his Hienesse tooke occasioun with his owne hand to penne a declaratioun, whereby not onlie all pretext of excuse or defence which may be pretended by these ministers is cleerelie refuted, but also their proud contempt and disobedience is made so manifest, as we doe fullie assure ourselves no scruple of doubt will remaine with anie who is not perverselie preoccupyed to distrust all veritie. The declaratioun we have presumed to insert in this place, as it came from his Majestie himself, and is this:—

"Becaus this unrulie handfull of ministers that made the

fashioun of keeping of this pretended Assemblie, together with their associats and allowers, doe so muche brag of the equitie of their caus, and wilfullie mainteane that the ground of their proceedings was most just and necessarie, and if anie errour was therin, it was onlie in forme, which proceeded out of necessitie, in respect of the unlawfull restraint of their libertie, as they alledge; we have therefore thought it good to sett doun most succinctlie and shortlie the verie anatomie of their actiouns, and true state of their caus, to the intent, that power being joynned to reasoun, (as ever hath beene our constant forme of proceeding in all our governement,) their wickednesse being truelie discovered, the due punishement to be inflicted upon them may the better appeare in their owne colour, als weill as their transgressioun. And therefore, wheras they brag of warrant of conscience, warrant of law, the due observatioun of their owne customes and liberteis, and the respect of the weale of the church, as the true motives of this their seditious and unruelie contempt, the contrare of all these sall be made most cleerelie to appeare.

"And, first, for warrant of conscience for their Generall Assemblie, which they terme the Councell of God: in the whole Old Testament they will not clame to anie warrant of a Generall Assemblie; and in the whole New Testament they can alledge no warrant for Generall Assembleis, but that conventioun of the apostles at Jerusalem, mentiouned in the Acts of the Apostles, which, indeid, was an universall councell of the whole Church, and no wise lyke to a particular Scotish Generall Assemblie. And therefore they must leave the Scripture, and have recourse to the exemple of the primitive Church, for warrant of particular nationall councells. To which warrant we are assured that they will be ashamed to clame, in regarde manie rites and ceremonеis, suche as vestiment, crosse, and confirmatioun, will be found in the same primitive Church, which they doe utterlie abhorre. And since the emperours (how soone they become Christians) had the onlie undoubted authoritie in their persons of conveening Generall Councels, which never was taikin from them whill the Pope

ascended the height of his abominatiouns, how muche lesse ought that authoritie be denyed to a Christian monarch, in the assembling of a nationall councell of his owne subjects, who hath farre greater and juster dominioun, over his owne people, than anie usurping emperour could clame over the face of the whole earth. And if they will alledge the purest writters in our dayes, professors of our religioun, that in their missive letter, both to the prince and Church of the state of Scotland, they have wished the holding of frequent assembleis in that countrie, (but always by the king's permissioun,) as a meane whereby both doctrine and discipline might be mainteaned without disturbance, and muche good thereby procured in the Church of God, yitt these verie arguments of theirs doe declare, that they onlie perswade it by way of advice, as a thing verie convenient; and did not sett it doun as a rule of necessitie, and an infallible law.

"Nixt, as to the warrant of our law in that kingdom, it is first to be generallie observed, that no priviledge that anie king giveth to one particular bodie or state within the kingdome, of conveening or consulting among themselves, is to be understood to be *privativè* givin unto them, and so, the king thereby depriving himself of his owne power and prerogative; but onlie to be givin *cumulativè* unto them, (as the lawyers call it,) without anie way denuding the king of his owne power and authoritie. As for an instance, (which has beene too frequent in all this yle all these yeeres past, saving the pleasure of God,) everie burgh royall hath their owne times of publict mercats allowed unto them by the law, and the king's priviledge; but when the plague happened in anie of these touns, did not he, by proclamatioun, discharge the holding of the mercat at that tyme for feare of infectioun, and yitt thereby did no prejudice to their priviledges; nather did anie of them ineptlie murmure, muche lesse enter into that high contempt, as to say, they would obey the king's lawes in keeping their priviledges, and not the particular restraint therof at that tyme for necessarie causes. And as to the nature of their particular priviledge in holding of Assembleis, they have, in this their last

pretended Assemblie, brokin the limitatioun of that priviledge that is cleerelie sett doun in the first act of Parliament, in the '92 yeere, which is the latest and cleerest warrant for their Assemblie. For there, it is speciallie provided, that as we give them licence for holding of their Assembleis once in the yeere, or oftener, as occasioun sall require, (which proves, that all their power onlie proceeds from us,) so must it not be conveened without our owne presence, or then of our commissioners; nor no day or place sett doun for the nixt Assemblie, but by our or our commissioner's appointment, except we be not pleased, nather to goe in our owne persoun, nather to send anie for assisting of the said Assemblie.

"And how these limitatiouns have beene observed by them at this tyme, lett the world judge. First, in not onlie refusing the presence of our commissioners, but most contemptuouslie and injuriouslie barring the doore upon him; and nixt, in setting doun the dyet of the nixt Assemblie, without ather his privitie or consent. And as to the thrid point, of their justifeing of themselves by the warrant of the constitutioun and custome of their owne church, we would know, what warrant they have for holding of a new Assemblie, without the presence ather of the Moderator of the last, or of the ordinarie clerk of the Assemblie; the clerk speciallie at that instant being dwelling in that same toun where they conveened. For their custome has ever beene, that the Moderator sould call all the commissioners, name by name; sould see their commissions from their presbyterie; sould give then the leits for electioun of a new Moderator, and make their names (the parteis being removed) freelie to be voted among them: but first of all, the Moderator ought to preache unto them, and out of the Word of God teache them their duetie at that meeting. But as this their pretended Assemblie was keeped in contempt of our authoritie royall, so had it (praised be God) no beginning at the Word of God, without the which order in their proceedings, we would know what might lett as manie Generall Assembleis to be conveened at anie tyme, in diverse places of that countrie, as there are severall numbers of nynteene ministers through the countrie? And

so there sould be at one instant farre moe Generall Assembleis in Scotland, one against another, than ever there were Popes in one time in our adversarie church. And if they would alledge, that the straightnesse of these evill dayes (wherin they live) compelled them to omitt diverse of their ancient and lovable customes, that can not but imply a direct accusatioun of our tyrannie; for which the answere may suffice, that beside our knowne sinceritie in religioun, and constant love to doe justice to all our people, they can never alledge, that they did so muche as to send a petitioun, ather to our self, or, in respect of our absence, to our counsell there, for permissioun of this Assemblie. For wheras they alledge, that this day was continued by us, and the commissioners of the church, without affixing a new dyet, we thinke the least they could have done, had beene humblie to have craved the appointing of a new dyet, and patientlie to have expected ather our answere, or our counsell's therupon, rather than by this their outragious contempt, to have proclamed ather our unjust persecutioun of them, or ellis (which is the truthe) their arrogant and seditious disobedience.

"And lastlie, how carefullie they respected the weale of their church in this course, it is manifest to the world, first, by needlesse irritating against them their ancient, lawfull, religious, and most mercifull king, wheras they might have come to their owne end, by their mylde behaviour and due obediencie; and nixt, by making als needlesse a separatioun betuixt all the rest of their learned, grave, and duetifull brethrein, and them who for their parts are in this cace according to their qualitie, als farre lightlied and disgraced by them as we are disobeyed; and thridlie, by bringing on a publict scandall heerby upon their professioun, as rebellious to so religious and just a king, whereby the adversareis of our religioun, who, like roaring lyouns, goe about to catche suche opportuniteis, may fill their new bookes and pamphlets with suche scandalous memorialls against our religioun. And lastlie, what charitie they have by this their behaviour used toward their Puritan brethrein in this countrie, they themselves may easilie gesse, having by this their contempt done nothing ellis but animated and

spurred us to the straiter animadversioun and order taiking with them, least otherwise, as they are both favourers of one discipline, so they may some day, by their exemple, (if they had als great libertie,) give prooffe of their like disobedience and contempt of our authoritie.

"Now, leaving it to everie one, to observe both the patience and pietie of a most puissant prince; his patience, that after so great a contempt committed by so meane, base, and abject persons, who were never anie wise remarkable as men of great gifts, but were speciallie noted of too great a desire to be made famous, if by no other meanes, yitt at least by their troubling and overturning of maters: And although his Majestie had most just caus of offence against some of them, for the great oversight in former tyme, and that others of them had most unduetifullie, in that same actioun, made breache of some promises made by some of them unrequired to his Majestie himself verie few moneths before; yitt, so superabundant was his lenitie and patience toward them, that after the committing of the contempt, they were not committed presentlie, but suffered to stay at home at their owne houses: nather were they presentlie brought to their answere, but his Majestie most patientlie, in hope of their repentance, was pleased a long tyme to superseed the ordinarie course of law against them. And heerewith all his Majestie's pietie doeth most clecrelie shyne, that being even since his infancie a most gratious nurcefather of the religioun professed, and protectour of the professors, but speciallie of the teachers of the same, and notwithstanding that the contempt committed was so haynous, as by the ordinarie course of justice, his Majestie might presentlie have beene avenged of these disdainers of his authoritie and royall commandements; yitt, so farre was his Majestie from anie rigorous proceeding against them, as by the contrarie, to the intent to call them backe, who were now so farre astray out of the path-way of obedience, (a most pitifull, yea, a most abominable thing in a minister,) it pleased his sacred Majestie, most gratiouslie, of himself, to sett doun that former declaratioun, that upon the view therof, these ministers might see their

offence, confesse their guiltinesse, and crave pardoun. Wherin, howsoever some of them were ever all their life, and likewise at this tyme, so rammage,[1] that they could not be recalled by anie lure, yitt were six or seven of that number of nynteene, which first conveenned, so moved and tuiched with that opin discoverie made by that declaratour, of their oversight, as in all humilitie, before the lords of his Majestie's counsell then present, protesting their great sorrow for their offence, excusing themselves upon their ignorance, and purging themselves of all wilfulnesse in that actioun, they besought their Lordships to be mediators at his Majestie's hands for a pardon to them; who presentlie, upon their humble submissioun, (according as his Majestie had beene pleased to signifie his will and minde to his counsell,) were dismissed, and sent home to their houses, to attend their charge and ministrie over their owne flockes. So farre was his Majestie's heart from intending anie rigour against anie of that professioun, as by the contrarie, by his Majestie's present pardoning of them upon their submissioun, it doeth manifestlie appeare, that his Hienesse was farre more willing and readie to embrace their penitence with clemencie, than they could be capable to desire the same; imitating heerin the great King, the King of all kings, who never desireth the death, but the amendiment of the sinner. And yitt it is most true, that these so dismissed upon their humble submissioun and repentance, were men of no lesse gifts, but of farre greater sinceritie, knowne good life, and conversatioun, and nothing inferiour to these others which remaine still obstinat, but in unquietnesse of spirit, hautinesse of minde, and desire of breaking the peace of the church.

"But before anie further be tuiched, of their conventing before anie judge, or that anie relatioun be made how, by their pertinacie of mainteaning the first fault, (being a most presumptuous ryot,) they came nixt within the compasse of no lesse offence than treasoun, it is not unmeete, that the verie point of their first cryme for which they were brought in questioun to answere before us, his

[1] Turbulent.

Majestie's counsell, were cleerelie sett doun, als weill to refute these vaine subterfuges of excuses and pretexts they make for their obstinacie, as to remove from the godlie, religious, and weill disposed subjects, all scruple of anie syche mater, wherof these ministers and their favourits, by lying rumours, would sow the seeds among the simple sort, whom they verie weill know, and we oftin find to be too credulous of everie false report.

"As, therefore, the keeping of a Generall Assemblie was not the mater in questioun, so is it of veritie, that by this accusatioun against these disobedient ministers, there was nothing layed to their charge, concerning the lawfulnesse or unlawfulnesse of a Generall Assemblie, nor yitt of the power and limits therof; but that they had unlawfullie made a privie conventicle, not onlie directlie repugnant and against his Majestie and counsell's charges and directioun, but even als weill against the continuall custome and practise of the church, as their present consent, which was weill witnessed by all the presbytereis absteaning from directing anie commissioners thither, saving that small number of presbytereis alreadie recited, wherof they were the commissioners. For they not onlie disobeyed his Majestie's authoritie, who had discharged that tyme and place of meeting, but even the will and directioun of their owne church, whose disassenting to their proceedings was not onlie manifested by the commissioners of the Generall Assemblie's letter, certifeing all the presbytereis of the deserting of the said Assemblie, but also the church did by their not sending of commissioners to that dyet, cleerelie demonstrat their obedient acknowledgement, and acquiescing to his Majestie's will in that behalfe; of whose power and lawfull authoritie in appointing or continuing the tymes and places of meetings of Assembleis, they never doubted, being so oftin practised (as is alreadie rehearsed) in his Majestie's owne person, and declared to be his prerogative, by that same act of parliament, by which they are warranted to keepe the said Assembleis. And if these ministers who stand so obstinat in defence of the Assemblie, (which they must confesse, hath onlie from that statute in '92,) would

consider how farre the prince may dispose of the meetings of the parliament it self, as ather to prolong, haistin, or desert the meeting therof, and being conveenned, may dismisse the same without doing anie thing at all therin, what foolish prerogative and supereminencie is this, (seing they must needs acknowledge themselves subalterne,) which they would clame above the most supreme, high, and honourable meeting of the whole kingdom, except it be, as so manie Popes in their owne conceate, they would exempt themselves altogether from all secular power?

"And so the particular caus wherupon these ministers were convented before us, was nothing ellis but that they most seditiouslie, contemptuouslie, and in plaine disdaine of his Majestie's princelie commandements and authoritie royall, did conveene themselves in a privie conventicle, which they (wronging not onlie his Majestie, but the Church, as is alreadie declared) proudlie, seditiouslie, and most falselie termed, and mainteane to be a Generall Assemblie, notwithstanding of his Hienesse' pleasure and will signified to them and their presbytereis, by missives from the commissioners of the Generall Assemblie, that the meeting appointed at Aberdeene sould desert; and, notwithstanding of the prohibitioun, by publict proclamatioun at the mercat croce of Aberdeene, and of our will sent unto them by the said Sir Alexander Stratoun. And how unlawfull and unduetifull their pretended excuses are, being grounded, as they alledge, upon the feare which they conceaved of the suppressing of their Assembleis, and overthrow of their discipline, by the deserting of that Assemblie once appointed, lett the world judge; since not onlie his Majestie's zeale and care for the maintenance of the religioun is weill knowne to all men, but even in speciall his great love to this people, in not intending to lay upon them anie new formes or ceremoneis, is weill manifested of late by that proclamatioun which his Majestie has caused to be published, for cleering of all suche doubts out of his people's hearts." (The tenor wherof is sett doun page 397.)

"After the publicatioun and imprinting of which proclamatioun for indictioun of a new Assemblie, it being still hoped by us that

these ministers remaining in waird, upon the sight of their owne offences, with repentance for the same, sould humblie have besought his Majestie for pardoun; yitt did their obstinacie still continue, justifeing all their proceedings, as if they had committed no cryme at all. Wherupon, we of his Majestie's counsell fearing the imputatioun of unduetifull and undiligent servants, if by this our procrastinatioun (upon vaine hopes) of the tryell of their offence, we sould leave it under the hazard of everie one's censure, to be judged by the multitude according as their particular conceats sould leade them, it was therefore thought meete to call them to their answere before us for that their most seditious, proud, and contemptuous disobedience to his Majestie's command and prohibitioun. Being called upon, and all present, and inquired, What defence they would make for themselves, ather to justifie or excuse that their intolerable ryot and contempt, first by speeche, and then by writt; they gave in the declinatour following, as disclaming to themselves altogether from anie subjectioun to his Majestie and his counsell; making all their actiouns, whatsoever sort, (by their owne interpretatioun,) to be meere spirituall, and that their meeting the secund of Julie last at the burgh of Aberdeene was suche an essentiall ecclesiasticall mater, warranted by God's Word, that therin they did no offence; and if anie they had done, the counsell of anie secular prince was no way to judge them, but their owne Assemblie: a most lewde and vaine positioun; it being a certan and infallible maxime in the law, that their answere could not exceed the limits of the libell and accusatioun. And therefore, they being onlie accused at that tyme for suche a privat and unlawfull misdemeanour, their declinatour could not but directlie deny his Majestie's authoritie in that particular point, wherof we have likewise sett doun the tenour:—

"My Lords of Secreit Counsell, &c., *vide* page 347.

"This declaratioun being repelled, and they having used some other frivolous defences, with more losse of tyme than uttering of anie mater, at last all being repelled, they were found to have con-

veenned most unlawfullie, contrare to his Majestie's warrant and charge givin to the contrarie. And being returned to their severall prisouns, upon advertisement givin to his Majestie of the whole proceedings in that processe before the counsell, and of that proud presumptioun of these ministers in proponing the said declinatour, without anie respect to that act of parliament made in May 1584, or anie paine which they incurred by doing therof, (which was, that anie persons, ather spirituall or temporall, presuming to declyne the judgement of his Majestie and his counsell in anie mater whatsoever, sall incurre the paine of treasoun;) therefore his Majestie presentlie sent his royall directioun to his counsell, that the ordinarie course of justice, according to the lawes of this his Hienesse' realme, sould proceed against these ministers, who, by the proponing of that declinatour, had made a plaine denyall of their subjectioun to his Majestie, and of his royall power and authoritie over them. Wherupon, six of them being then in prisoun within the Castell of Blacknesse, were upon the tenth of Januarie last brought to his Majestie's burgh of Linlithquo, and there presented upon pannell before his Hienesse' Justice, being the ordinarie judge of all maters criminall; who had joynned to him a great number of noblemen, and others of his Majestie's counsell, by his Hienesse' commissioun, to assist the said Justice in that mater. And their endytement being grounded upon that first statute made in May 1584, and upon that their presumptuous fact in declynning the counsell's judgement, when they were first brought to their answere, they were then demanded, What they could say for themselves before the mater sould passe to the tryell of a jurie? And, notwithstanding that some of their owne brethrein, upon earnest requeist to the counsell, having obteaned licence and permissioun to conferre with them, and to perswade them to an humble submissioun and penitence; as likewise, that their two principall procurators and counsellers at law not being able to perswade them to this same course of humilitie, wherin they dealt with them earnestlie, did, upon their obstinacie, directlie refuse to pleade for them; and lastlie, notwithstanding that they were pub-

lictlie admonished by the judge the verie tyme of their standing at the barre, that, putting off that maske of wilfulnesse, (the onlie thing which so blinded them from sight of their owne folleis,) they would humblie crave his Majestie's pardoun, of whose great clemencie, incace of their submissioun, all that were present had verie great hopes, and uttered great assurances; yitt suche was their malignant and indured obstinacie, as hardening their hearts against all these publict and privat perswasiouns and admonitiouns, they wilfullie persisted in justifeing their actiouns, having still the assistance of so manie counsellers at law as would stay with them. And the onlie thing they could alledge for themselves, why they sould not goe to the tryell of an assise, was, that the said statute of May 1584 was therafter interpreted and limited by a particular claus of a statute made in 1592, wherin it is declared that the said act made in 1584 against the declynning of the counsell's judgement sall no wise be prejudiciall, nor derogat anie thing to the priviledges which God has givin to the spirituall office-bearers in the Church, concerning heeds of religioun, maters of heresie, excommunicatioun, collatioun, or deprivatioun of ministers, or anie suche like essentiall censures speciallie grounded, and having the warrant of the Word of God. And heerin they doe alledge that their meeting at that tyme in Aberdeene being an essentiall censure, warranted by God's Word, they might lawfullie declyne the counsell's judgement from taiking cognizance therin. Wherunto it was answered by his Majestie's advocat of this his Hienesse' kingdom, that that their defence was to be repelled, becaus the keeping of an Assemblie at a certan tyme and place, and the appointing of another Assemblie of new, contrarie to his Majestie's charge, and against the will and command of his Hienesse' counsell of this kingdome, and, notwithstanding of the dissentìng of his Majestie's commissioner, muche lesse the keeping of that pettie conventicle in the toun of Aberdeene, that secund of June last past, is not anie head of religioun, match of heresie, excommunicatioun, or essentiall censure whatsomever; and so, being no way under that limitatioun, must of all necessitie come under the gene-

ralitie of the former statute in the '84, and they must have incurred the paine of treasoun for declyning the counsell's judgement, being called to their answere upon their contempt. And likewise, in that same verie claus of interpretatioun of the former act, however, it is declaired that the said statute sall no wise make derogatioun to the priviledge that the office-bearers of the Church have givin them concerning religioun, heresie, and other ecclesiasticall censures, (wherin his Majestie will be ever farre from assuming unto himself anie papisticall and tyrannicall authoritie over the expresse Word of God,) yitt doeth not that claus inferre suche a privative of his Majestie's soveraintie, as may denude him of that lawfull power which Christian kings have over the Churches that are within their dominiouns.

"The mater going to the tryell of an assise, these six are found guiltie of high treasoun, and returned to their severall prisouns. And, therefore, as heereby this proud contempt and disobedience of this small handfull of ministrie, (to the verie great greefe and sorrow of all the weill disposed of that professioun in this kingdome,) is cleerelie and truelie sett doun, (that the ignorance therof sould not be the occasioun of mistaiking, by anie of the most just and necessarie causes enforcing this hard proceeding against them;) so are the wilfull and obstinat persons to be left to their punishment, for their deserts, wherunto they have most contentiouslie constrained his Majestie, and in a maner extorted the same, against his Majestie's will. And neverthelesse, since there is no contempt whatsoever, but hath the owne favourers, no follie, but by some patronized and allowed; and that upon vaine curiositie, (notwithstanding their knowledge to the contrarie,) some will not sticke to mainteane paradoxes, and defend absurditeis, which (howsoever in maters frivolous or of no moment, might be overslipped and not regarded,) yitt in suche maters concerning his Majestie's royall authoritie, and the excusing or justifeing of high or proud contempts by anie sort or ranke of persouns, so farre sould be of his Hienesse' counsell, (in our duetie and allegiance to our prince and soverane,) be from anie sort of carelesnesse or negligence; as heereby

we have thought meete to signifie his Majestie's speciall pleasure and will, that he doeth straightlie commande and charge all his Hienesse's subjects of this his kingdome, (of whatsoever ranke, place, calling, functioun, or conditioun they be,) that none of them presume to take upon them, ather in publict or privat, to murmure or call in questioun anie sort this his Majestie's prerogative and authoritie royall, or the lawfullnesse of this proceeding against the said ministers, or anie way to make constructiouns, or misinterpret that act of Parliament of the yeere 1584, concerning the declyning of his Majestie and the counsell's judgement; otherwise, that as the same is made cleere and manifest by this present decisioun of the Justice, in the tryell of the said ministers: With certificatioun to them that sall contraveene the same, that they sall be reallie punished in the qualitie of seditious persons, and wilfull contemners of his Majestie's most just and lawfull governement.

"Givin at Edinburgh, the 7th of Marche, in the thrid yeere of his Majestie's raigne of Great Britaine, France, and Ireland, 1606.

"Edinburgh, printed by Robert Charters, Printer to the King's Most Excellent Majestie. Anno Dom. M.DC.VI."

This came furth in print, cleering the caus of the imprissoned ministers, which heere followeth, printed in Februar:—

"A FAITHFULL REPORT OF PROCEEDINGS ANENT THE ASSEMBLIE OF MINISTERS AT ABERDEENE, UPON TUISDAY, 2 JULY, 1605.

"Proverbs xviii. ver. 17.

"*He that is first in his owne caus is just: then cometh his nighbour, and maketh inquirie of him.*

"Although I have beene in England manie yeeres, yitt I cannot but be moved with the greevous traducing of some faithfull ministers in Scotland, which I heare everie day, as I have occasioun to meete with men, ather addicted (more or lesse) to Papistrie, or

utterlie ignorant of Scotish effaires; traducing, I say, suche ministers, as if they were indeid guiltie of high treasoun. A livelie member of the kirk cannot be but sensible of the troubles therof, in what part of the world soever he be: how then can I be unmoved to heare suche things of the principall members of the kirk in Scotland, so neere and deere not onlie to Scotish men, but to English men too, if they be trulie religious? For doeth not everie wise hearted Christian evidentlie perceave, that (among other stratagemes of this declynning age) Satan would blemish the Gospell, and undermyne the kirk, through the sides of these faithfull ministers?

"I have thought it verie necessarie to collect and sett doun this faithfull report, hoping that the indifferent reader will suspend his judgement till Truth (Tyme's daughter) be fitt to shew herself in publict. I confute no objectiouns, becaus I would not offend; and besides, *rectum est index sui et obliqui.* Lastlie, I call this report faithfull, becaus I have faithfullie collected the same out of faithfull intelligences, sent out of Scotland by faithfull brethrein, and not becaus I can avow, though I beleeve, everie part thereof to be undoubtedlie true; and therefore pray, with protestatioun, that this report be not prejudiciall to a more evident truthe, which heereafter may be published by authoritie, or by the ministrie.

"In the Generall Assemblie at Halyrudhous, in November 1602, the brethrein consented to his Majestie, that the nixt Generall Assemblie sould be at Aberdeene, the last Tuisday of Julie 1604, and not before, (notwithstanding it was then and there ordeanned, with his Majestie's consent, that the dyets of Assembleis be appointed and keeped preciselie everie yeere, according to an act of parliament, 1592,) respecting his Majestie's pleasure, so muche as they did not duelie consider, how prejudiciall it might prove to the libertie of the kirk, to transgresse the said acts of parliament and Generall Assemblie, in not holding with all conscience the Generall Assemblie, once at least, everie yeere.

"That their exceeding regard of his Majestie's pleasure may yitt more appeare, it is not to be forgottin, that the presbytereis

yeelded to a letter dated at Perth, 4 Julij 1604, and subscribed by the Laird of Laurestoun, the king's commissioner, Mr Patrik Galloway, the moderator of the said Assemblie at Halyrudhous, and Mr Richard Thomsone, clerk to the commissioners, in name of the commissioners of the Generall Assemblie, whereby they were certified, that it was his Majestie's pleasure, that the Assemblie sould be continued till the first Tuisday of Julie 1605, if advertisement come not sooner. And this they did, notwithstanding an act of the Assemblie at Halyrudhous, whereby all power was taikin from the commissioners of the Generall Assemblie, to make anie alteratioun, drift, or delay of the dyet of the Generall Assemblie: which act was made with his Majestie's consent, to remove a just conceaved greefe of the kirk.

"The Generall Assemblie being so manie yeeres deserted, opin scandalls so multiplied, and the rather, becaus inferiour judicatours were contemned by the cheefest malefactors, who did elude and escape their censures, by appellatioun to a Generall Assemblie, which they never expected; and Papists grew so insolent, Jesuits and Seminarie preests travelling securelie within the kingdom, that of necessitie, manie synods and presbytereis used manie meanes and mediators; yea, manie commissioners from manie provinces, conveening at St Johnstoun in October 1604, made (with consent of his Majestie's commissioner) a supplicatioun to his Majestie, for haisting the Generall Assemblie; but all to no great purpose. For not long before the uttermost day of Assemblie, were letters directed at Edinburgh, subscribed as these from Perth, and directed to the presbytereis, advising them not to keepe the fyft day of Julie; which errour of naming the fyft day, for the first Tuisday, which was the secund day of Julie, directlie appointed in the said letters from Perth, whether it were of purpose or no, is not certane; but so it was, that the commissioners of foure presbytereis by reasoun therof, came not to Aberdeene, till the fourth and fyft dayes of Julie, and some not at all. The causes moving the presbytereis to send their commissioners, these letters notwithstanding, were these. 1. They came too late. 2. They were

not with command, but by way of advice. 3. By the said act of Halyrudhous, the power of altering or delaying the dyet of the Assembleis was taikin from the commissioners of the Generall Assemblie. 4. No other day and place was appointed. 5. The danger of the forefaulting of the libertie of the kirk. 6. The necessitie of an Assemblie. The ministers who conveenned at Aberdeene the secund of Julie were these, Mr Johne Forbesse, Mr Johne Monro, Mr Andrew Duncan, Mr Alexander Strauchan, Mr William Forbesse, Mr Robert Youngsone, Mr James Irving, Mr Charles Farholme, Mr Johne Schairp, Mr Robert Durie, Mr Archibald Blekburne, Mr James Rosse, Mr David Rait, Mr Alexander Strogie, Mr James Mylne, Mr David Robertsone, Mr William Davidsone, Mr Robert Reid, and Johne Rough, in all nynteene.

"After the sermoun made by Mr James Rosse, minister at Aberdeene, the brethrein conveenned in the kirk, with the Laird of Laurestoun, and by mutuall consent continued their doun-sitting till the after noone, in expectatioun of moe brethrein, hindered in their journey, as was supposed, by injurie of weather. At two houres in the after noone, they mett in the sessioun hous, within the kirk of Aberdeene; and after incalling of the name of God by Mr David Rait, moderator of the synod of Aberdeene, in place of Mr Patrik Galloway, they sent for the ordinarie clerk of the Assemblie, who went to them. At which tyme, the Laird of Laurestoun sitting doun amongst them, affirmed, that though he might charge them, yitt he would rather make use of a missive letter from the Lords of the Secreit Counsell, directed to the ministrie in their Assemblie at Aberdeene; which he desired them to read and answere. But untill a moderator was chosin, that could not be. He named Mr Johne Forbesse to be the mouth for the rest; but perceaving that the Assemblie would proceed orderlie in their electioun, he removed himself of his owne free will, that (as he openlie declared) he might eshew to be querrelled and found fault with, for seeming to approve the said electioun by his presence, if it sould fall out, that he and they sould not agree.

After his removing, they desired Mr Thomas Nicolsone, ordinarie clerk to the Assemblie, to remaine with them, and to doe his office. He refused, till he sould see how the issue of their doings sould content the Laird of Laurestoun. And so (but first desiring and obteaning dispensatioun for his absence) he likewise removed himself. The Assemblie proceeds, and having putt in leits Mr Robert Durie, Mr Johne Monro, and Mr Johne Forbesse, who was in electioun, with general consent choose Mr Johne Forbesse moderator, and the rather, becaus they were willing to respect the Laird of Laureston's nominatioun; and after prayer made by the new moderator, they did choose Mr Johne Schairp clerk for that tyme.

"After this electioun, the letter missive was read, and the judgement of the Assemblie craved. The letter consisted of two points, 1. That the Assemblie sould be presentlie dissolved; and, 2. That no new dyet sould be appointed till his Majestie were acquainted therewith. And yitt, it was agreed betweene the Lord Chancellor, and Mr Johne Forbesse, in Edinburgh, before the ministers mett in their Assemblie at Aberdeene, that the ministers sould meete; and upon requeist of the counsell, having fenced their Assemblie, continue the intreating of all things to a new day. The Assemblie yeelded to the former, but for reasouns before-mentioned, thought it needfull to appoint a new dyet, if the Laird of Laurestoun would not; but if he would, they agreed to consent thereto, were the day appointed long or short. They sent, and desired his presence. The moderator declared to him the judgement of the Assemblie, and he approved the former part of their conclusioun; but refused to defyne anie tyme long or short, albeit the Assemblie assured him, that upon the reverent respect they had to satisfie his Majestie's desire, they would be als readie afterward to continue to a certane day, if his Majestie sould require the same. After long reasoning, [he] was brought to consider the necessitie of continuing the Assemblie to a certane tyme, and the rather, becaus (as he himself did there opinlie report) it was thought they sould never have Assemblie again; but yitt would not agree therunto, becaus

(as he affirmed) he had no warrant so to doe. He, therefore, again did voluntarilie remove himself, though he was desired to stay, giving the secund tyme the same caus of suche removing himself which he gave before.

"Presentlie after, the intreating of the effaires of the Assemblie were continued to the last Tuisday of September then nixt following, at Aberdeene, and intimatioun ordeanned to be made in all presbytereis, according to the order and custome observed in suche cases. Which being done, and the Assemblie readie to dissolve, the Laird of Laurestoun returned of himself, (for the doores were never shutt,) and protested, that he did not acknowledge their meeting for a lawfull Assemblie from the beginning, becaus of the absence of Mr Patrik Galloway, moderator of the former Generall Assemblie, and of the ordinarie clerk: (Heere it is to be noted, that the number of ministers assembled was not then excepted against.) To the protestatioun, the moderator, in name of the rest, answered, that the reasouns therof notwithstanding, it behoved the Assemblie to be lawfull, becaus of the warrant, 1. Of God's Word; 2. The lawes of the realme; 3. Continuall practise of the kirk since the yeere of our Lord 1560; but most cleerelie sett doun in the Booke of Discipline, established in this land at his Majestie's owne desire, publictlie made to the Generall Assemblie holdin at Glasgow, 1581, where, in the 7 cap., art. 3 and 4, it is thus writtin, 'All Ecclesiasticall Assembleis have power to conveene together, for treating of things concerning the church perteaning to their charges. They have power to appoint tymes and places to that effect, and one Assemblie to appoint dyet, tyme, and place of another.' 4. The subscriptioun and oath of the king, and all his subjects. 5. The said letter of the commissioners from Perth; and, 6. Presidents in the Register of the Assemblie, of choosing a new moderator in absence of the old, and a clerk for the tyme, in place of the ordinarie.

"In the meane tyme, the Laird of Laurestoun caused Johne Wishart, messinger, to charge the Assemblie with letters of horning, to suffer the same to desert, and gave a subscribed copie to

the moderator in name of the Assemblie, the reasouns wherof were these: 1. That his Majestie had signified, that he could not be resolved anent a Generall Assemblie, till the Parliament were past. 2. That this Assemblie was without his knowledge and consent. Therunto obedience was givin instantlie, the moderator craving a certificat of the same, under the hand of the messinger, who was also a publict notarie. But he refusing, the ministers, after the dissolving of the Assemblie with prayer by the moderator, went presentlie to the commoun clerk's chamber of Aberdeene, and tooke instruments of their obedience to the said charge, which was the onelie charge that ever they heard of first or last, by publict or privat intimatioun or knowledge whatsoever, as they protested upon their salvatioun, in their apologie sent afterward to his Majestie.

"Of this charge, no mentioun was made to the Lords of Secreit Counsell; but another was alledged to have beene givin by vertue of the same letters, on Moonday, the first of Julie, by opin proclamatioun at the Mercat Croce of Aberdeene; whereas, in truthe, there was no suche thing done; for then, the Laird of Laurestoun would have intimated the same, when he delivered the said letter missive, and not have said, that he might have charged them if he would.

"Again, it can be proved, that from the first comming of the Laird of Laurestoun and his servants unto Aberdeene, till eight houres in the night, there were continuallie about the Mercat Croce, walking, sindrie honest men, who heard of no suche mater. Moreover, if the indorsement of the said supposed charge were true, to witt, that it was executed before two witnesses, both servants to the Laird of Laurestoun, betweene seven and eight houres at night, yitt it was to no purpose, becaus it was not executed in the morning, betweene eight and twelve houres at noone, before famous witnesses, according to an act of Parliament, 1587.

"Upon Thursday and Fryday following, by reasoun of the errour of the commissioner's letter foresaid, came to Aberdeene Mr Johne Welsche, Mr Nathan Inglis, Mr James Greg, Mr Johne

Young, Mr Thomas Abernethie, Mr Archibald Simsone, Mr Nathaniel Harlaw, Mr Abraham Hendersone, and Johne Rosse; who finding the Assemblie dissolved, and having receaved a subscribed copie of the proceedings therof, went to the place where the Assemblie was holdin, and for the discharge of their commissioun, tooke instruments in the hands of two notareis, that they were come to have keeped the said Assemblie; and that they did ratifie all the proceedings therof in their owne names, and in the name of the presbytereis who sent them.

"After which proceedings, the 24th of Julie, Mr Johne Forbesse being in Edinburgh, of purpose to satisfie the Lords of Counsell anent the alledged disobedience to his Majestie's charge, was sent for by the counsell, to speeke with them who were conveenned, consisting of six lords, and seven or eight of the late bishops, and commissioners of the Generall Assemblie, (a noveltie not heard of before in Scotland;) and was commanded to waird in the Castell of Edinburgh, becaus he would not condemne the Assemblie at Aberdeen by his privat judgement, albeit he submitted himself, and proceedings therat, to the Generall Assemblie.

"Mr Johne Welshe being also in Edinburgh, was charged by a messinger to compeere before the counsell the nixt day following: who compeering, and refusing to give his oath, as he tooke it *super inquirendis*, (albeit he offered it upon the knowledge of the particular interrogatoreis,) was likewise wairded in the Tolbuith till ellevin houres, at which tyme, both he and Mr Johne Forbesse were transported to Blacknesse.

"The secund of August, Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Strauchan, and Mr Johne Schairp, being summouned, compeered before the counsell, and with them, Mr Johne Welshe, who was brought from Blacknesse, upon his offer to give his oath upon the points of his summouns; and were all committed to prisoun in Blacknesse, for the same caus for which Mr Johne Forbesse was imprisouned.

"The 3d of October, other fourteene of these who had beene ather the secund or fyft day of Julie in Aberdeene, being cited

before the counsell, seven of them, becaus they doubted of the lawfullnesse of the Assemblie, till it were discussed in a free Generall Assemblie, were remitted home, and other seven were wairded for the same caus for which the rest were imprisouned before: To witt, Mr Charles Farholme, and Mr Johne Monro, were wairded in the Castell of Downe; Mr Nathan Inglis, and Mr James Greg, in the Castell of Dumbartane; Mr James Irwing, Mr William Forbesse, and Johne Rosse, in the Castell of Stirline. The rest who were at Aberdeene the secund and fyft of Julie were not summouned, and so spaired by the providence of God.

"After sindrie supplicatiouns, the said thirteen imprisouned ministers wrote reasouns, to prove the summouns from the Secreit Counsell, and proceedings before them, to be prejudiciall to the authorized discipline of the kirk, and contrarie to the laudable order observed in the realme; and most humblie besought their Lordships, in name of the Lord Jesus Christ, who sall judge the quicke and the dead, to remitt their caus, and tryell therof, to the Generall Assemblie, as onlie judge competent thereto, as also, to dimitt them in peace, that they might attend on their owne callings. Which supplicatiouns not regarded, they gave to the lords a declinatour subscribed by them all, the said 24th of October, whereby they did appeale, as it were, from the king and the counsell, to the king and the Generall Assemblie; yitt so, that they did always acknowledge themselves bound to submitt to the counsell's judgement, in anie mater, wherin anie other subject was bound to submitt. And howsoever they referred the answering of theticall interrogatoreis to the Generall Assemblie, yitt to cleere themselves of crymes objected, they answered particular accusatiouns and hypotheticall interrogatours, in their resuming of the said summouns, and apologie to his Majestie.

"Their reasouns of declynning the counsell's judgement, conteaned in their last supplicatioun, and pleaded, when they gave their declinatour, be these:—

"1. They alledged, and read an act of Parliament, *in anno* 1592, whereby a former act of Parliament, *anno* 1584, making it

treasonable to declyne the king and counsell's judgement, was interpreted, (for it passed, when the principall members both of kirk and commoun wealth were forced to forsake the land, and it was never putt in executioun,) not to derogat anie thing to the priviledge that God hath givin to the spirituall office-bearers in the kirk, concerning anie essentiall censure, having warrant of God's Word. But to judge of the lawfulnesse or unlawfulnesse of synods, (wherof the Generall Assemblie is the sinew and life,) is an essentiall censure, having warrant of God's Word.

"2. By the practise of the kirk, since the act of parliament, 1584, recorded in the register of the Assemblie, one Assemblie hath ever discerned and judged another, and the proceedings therof; as is evident in the Generall Assemblie holdin at Dundie, *anno* 1597, which allowed the Assemblie at Perth, and the proceedings therof, at both which Assembleis his Majestie was present; and (which is more) he required the questioun made of the former to be decided by the latter Assemblie, as properlie perteaning to that judicatorie. And in his Majestie's proclamatioun givin at Hampton Court, 26 September 1605, his Majestie, not forgetting the practise of this kirk, expecteth reparatioun of the supposed disorders of the Assemblie, (for which we are called in questioun,) at the Assemblie to be holdin at Dundie, in the last Tuisday of Julie nixt.

"3. If the counsell sould take upon them to judge and censure the lawfulnesse or unlawfulnesse, the validitie or invaliditie of an Assemblie, what were this but to confound ecclesiasticall and civill judicatoreis, which hitherto have beene by law and practise happilie distinguished, and which his Majestie, in the declaratioun of the said act of Parliament, *anno* 1584, professeth to be farre from his meaning? His intentioun being, (as he there affirmeth,) not in anie sort to take away the lawfull and ordinarie judgement in the kirk, whereby discipline and good order might decay, but that, as temporall magistrats doe judge in temporall maters, so spirituall jurisdictioun sould have the ordinarie tryell, in maters belonging to the ministrie and their estate.

"Moreover, it may be affirmed, that it is no new thing to declyne the counsell; for, 1. There is a declinatour yitt extant, subscribed by the hands of these same men of the ministrie, who are now most against us, and moe than three hundreth pastors; and, 2. It is also, and hath beene an ordinarie custome in civill and criminall maters, even of civill persons, to declyne the counsell, and to take them to the judgement of the Lords of the Sessioun, or to the Justice, upon the different qualitie of the civill fact."

At this tyme, Mr Robert Youngsone, one of these who had beene remitted from Perth, becaus he doubted of the lawfulnesse of the Assemblie, being moved in conscience, returned, and the same day and houre when these thretteene were standing before the counsell in that caus, did compeere; and desiring to be heard, did acknowledge his oversight at Perth, and confessed his trouble in conscience; and, therefore, that albeit not summouned by their Lordships, yitt charged by the living God, was compelled to come thither that day, to justifie that Assemblie, and whole proceedings therof; to the great astonishment of the lords, and confort of his brethrein, who also subscribed the declinatour with them. Who all therafter were sent backe to their severall prisouns; and Mr Robert Youngsone, to the Castell of Stirline, with the other three that were wairded there: and so, as yitt, all continue in waird.

In their resuming of summouns, and apologie before mentiouned, the ministers cleere themselves of crimes objected, by narratioun of their proceedings alreadie reported, and reasons therin comprized; and yitt farther, by these apologetick answeres:—

"1. The true caus of the lawfulnesse of ecclesiasticall synods and actiouns is, the ordinance of Jesus Christ, who, as King of his kirk, has prescribed and commanded the same in his Word, as is affirmed in the said Booke of Discipline, cap. 1, art. 10. So that the act of Parliament *in anno* 1592 is not the onlie warrant of suche synods and actiouns, being but the civill approbatioun of our Christian soverane, moved of Christian duetie, in testificatioun of his subjectioun to Christ, and willingnesse to have all his subjects brought under humble obedience to the scepter of Christ, as may

appeare by these words of the said act, 'And declareth, that the said Assembleis, presbytereis, and sessiouns, jurisdictioun and discipline therof, to have beene in all tymes bygane, and to be in all tymes comming, most good, just, and godlie in the self:' Therefore, and the rather becaus of our subscriptiqun and oath, to mainteane the discipline of our kirk, conteaned in the Confessioun of our Faith, we had highlie sinned, if we had not fenced the Generall Assemblie, being not forbiddin to meete by the counsell nor by the king's commissioner, no, not by the commissioners of the Generall Assemblie, for they onlie advised us not to keepe the fyft day, and it was not keeped. And seing we had endangered the libertie of the kirk if we had not continued the Assemblie untill a certane day, (for authoritie designed none wherunto we might have consented,) therefore, that day being expired, another could not be appointed by the kirk, according to the ordinance and ordinarie custome of the same.

"2. We did not transgresse the said act of Parliament, *anno* 1592, in anie thing: 1. Becaus it is no instituting law, but a simple approbatioun of Assembleis as they are appointed by the kirk: 2. Becaus the said approbatioun declaires, that it sall be lawfull to the kirk and ministers, everie year once, and oftener, as occasioun sall require, to hold Generall Assembleis: 3. Becaus in the same statute it is provided, that the king or his commissioner (if either be in the toun when the Generall Assemblie is held) be present, not to allow or disallow the conveening or holding of the said Assembleis; but onlie to nominat the tyme and place of the nixt Assemblie. And therefore it is provided, that the king or his commissioner be present at ilk Generall Assemblie, before the dissolving therof. Nather doeth the proviso give authoritie to the king, or his commissioner, to nominat the tyme and place of the nixt Assemblie absolutelie, or by himself, but conjunctlie, and with the Assemblie. But if nather the king nor his commissioner be present in the place of the Assemblie, then the proviso sayeth expresslie, that it sall be leasome to the Assemblie, by themselves, to nominat tyme and place of the nixt Assemblie. But true it is,

that his Majestie could not, and his commissioner would not, be present, but (as said is) voluntarilie removed himself, whill the Assemblie was continued to a certan tyme and place.

"3. Lett it be supposed, it was an offence to hold and continue the said Assemblie; yitt it was not to be imputed unto us, becaus we were but commissioners of sindrie presbytereis, wherunto, and not unto us in particular, the saids letters from the commissioners at Edinburgh were directed; which notwithstanding, the presbytereis sent us unto the Assemblie, and approved our proceedings after the Assemblie. So that the presbytereis, (if anie,) and not we, are subject to censure.

"All these allegatiouns notwithstanding, Mr Johne Forbesse, Mr Johne Welshe, Mr Robert Durie, Mr Andrew Duncan, Mr Johne Schairp, and Mr Alexander Strauchan, were brought by the guarde from Blackenesse unto Linlithquo, there to be arraigned upon Fryday, the 10th of Januarie last, before the Secreit Counsell, of treasoun, becaus they declyned the judgement of the said counsell, contrare to the said act of Parliament, *anno* 1584.

"The counsell first dealt with them instantlie to depart from their declinatour, for his Majestie's satisfactioun. They were willing, so that all proceedings might be holden *pro deleto*. Then the counsell willed them to take advice of their brethrein, who were manie, then and there mett together from manie parts of Scotland. They did so, and at first found great difference of opinioun; for some thought it lawfull, and (in respect of inconveniences likelie to follow) verie expedient to depart from the said declinatour. In the end, (with consent,) some of the ministers were sent to the counsell, for eshewing the present perrell of their brethrein, to crave leave for the prisoners to goe, and conferre with the presbytereis, (which sent them in commissioun,) anent that motioun, without whose advice they could doe nothing in the said mater. This denied, it was thought by the whole number of the ministers, that the prisoners could not passe from their declinatour, without great prejudice to the kirk and kingdome

of Christ. Wherupon they were caried to the place of arraigne-ment, and named for their prolocutors, Mr Thomas Craig, Mr William Oliphant, Mr Thomas Hope, and Mr Thomas Gray, who had all promised to speeke for them. But the two former being absent, were sent for, and refused to come. The other two, by evident reasouns, made the lawfulnesse of the prisoners their proceedings manifest to the consciences of all. But the prisoners themselves so cleered themselves and their caus, that their ene-meis were astonished, their doubtful brethrein resolved, and everie one that heard satisfied; so that the king's advocat was putt to his shift, namelie, to charge the assise onlie to find, whether the prisoners had declynned the counsell's judgement or not, to which purpose onlie he gave them prooffes. And the assise was so troubled, that they would have beene ridde of the mater. But that denied, and they enclosed, at the first they all would have cleansed the prisoners; which being signified to the counsell, they willed the justice clerk, and Henrie Stewart, chanceller of the assise, (in England called the foreman of the jurie,) to deale with the prisoners, to see if yitt they could be made to depart from their declinatour. Which being refused, they were sent backe to the assise, to convict the prisoners, in respect it was his Majestie's will, and it behoved so to be, for preparing way to their peace. Wherupon it being voted, six cleansed, and the rest fyled the prisoners, to the unspeekable greefe and miscontent of all men, except, &c.

"But judgement was suspended till his Majestie's minde be knowne; whose minde, I hope, will be, to re-examine maters, or to release the prisoners, least otherwise he be guiltie of innocent blood, yea, the blood of the Lord's holie ones, (for suche are faith-full ministers, in a speciall sense,) which is right pretious in his sight; and therefore he sayeth, 'Tuiche not myne anointed, and doe my propheits no harme.' And the rather, becaus it is enacted, 11 Jacob. 6, cap. 91, that all assises (or jureis) be enclosed alone, and no persoun to be suffered to be with them, nor to repaire to them, under anie pretence what somever; and that they be not

suffered to come out for whatsoever caus, till they, being agreed, returne their answere to the judge; otherwise, or in cace anie point of the said act be transgressed, the partie accused to be holdin and pronounced cleere and innocent of the crimes and treasouns then layed to their charge. Nay, though there were no suche statute, yitt I hope his Majestie will take heed of suche innocent blood, becaus I have experience of his naturall gratious dispositioun. For howsoever incensed by suche as sought themselves, he made greevous lawes against the kirk, *in anno* 1584, yea, so that he putt doun the presbytereis, and sett up bishops, yitt upon better informatioun and consideratioun, he putt doun Papall bishops, and sett up the presbyterie, as the ordinance of God.

"Again, his Majestie being verie wise, can not but perceave, how the titular bishops which he hath made, greeving that they have a title without jurisdictioun, and the late commissioners of the Generall Assemblie aspiring to that transcendent authoritie which they see commissioners ecclesiasticall exercise in England, under pretence of his Majestie's prerogative, use all the devices, freinds, and meanes they can, to incense his Majestie against all presbyteriall governement, especiallie the Generall Assemblie, which holdeth all in all.

"Beseeking God to sanctifie and blesse his Majestie and his royall issue, to justifie wisdome, and confort his people, I commend this report to the reader, and him to the grace of God.

"From my chamber, the 21st of Februarie 1606."

For fuller answere to this declaratioun sett furth by Mr Thomas Hammiltoun, advocat, in name of the counsell, I have heere subjoynned the proceedings against the prisoners of Blacknesse, upon the day of their assise and convictioun, as it was penned by themselves.

THE PROCEEDINGS AGAINST THE PRISONERS IN BLACKNESSE, UPON THE DAY OF THEIR ASSISE, AND CONVICTIOUN, AS IT WAS PENNED BY THEMSELVES, AND SENT TO THEIR FELLOW-SUFFERERS IN DUMBARTANE.

"*Grace, mercie, and peace, from God, the Father of our Lord Jesus Christ, be multiplied.*

"Our deerelie beloved brethrein,—We receaved your letters; and as for informatioun of the whole historie, ye sall receave it in full maner, as we can at this tyme remember.

"It was concluded the counsell day before, being Thursday, the secund of Januarie, that we sould be putt to an assise, but yitt, with suche secrecie, that we were not certane of it that morning skarselie, that we were sent for. They caused other rumours to be spread, wherefore the counsell was appointed at Linlithquo, as though they had some other great purpose adoe, and that our sending for was onlie but for a fashioun, to cover other things. Alwise, it came to our eares, that suche a thing was concluded; but this was so shaikin by the varietie of reports, that was done to cast us in a great securitie; so that the brother who was the first wairner of us did afterward write to us on the Wedinsday, that nothing at all was to be done to us that day.

"Thus were we tossed continuallie, untill the night before, at the which tyme we were surelie advertised, that we were to be sent for. Alwise, after we receaved the first advertisement, which was on the 3d of Januar, we wrote to Mr Thomas Craig, Mr William Oliphant, and Mr Thomas Hope, to come to us; who, according to our desire, came unto us on Wedinsday, being the eight of Januar, who did for the space of two or three houres conferre with us. The summe of which conference was this: that suppose our deid in holding the Assemblie was good, and the intentioun good, and our consciences had a double benefite by the same, to witt, both a testimonie of fidelitie on our part, and a good exemple left

to others and to the posteritie; yitt, *propter majus bonum ecclesiæ*, it was expedient to us to passe from it, and to passe from the declinatour which we gave in from the defence of the same, to the good which was alledged sould have come of this, which was earthlie; the avoiding of farther inconveniences which were to come to passe, not onlie against us in our owne persons, and callings, and flockes, but also against the whole kirk. For in our persons they assured us that a preparatioun of condemnatour in this point would passe against us, to the prejudice of the whole kirk; and partlie, the appeasing of the wrathe of the king, and the winning of him, and keeping of him in our side, and the healing of the breake of the kirk alreadie made; and with manie other arguments to this purpose, taikin from the fewnesse of our number that stood by it, for the multitude of our wisest and gravest brethrein were against it. As also, with * * * and that, in the name of him, who had the full confessioun from his Majestie in this mater; yee know the persoun. That if we would without anie confessioun of offence, but onlie submitt our selves in his Majestie's reverence, *pro scandalo accepto, et non dato*, and passe from the Assemblie and declinatour, that we sould be restored to our rowmes, and all our charges defrayed. The which were tentatiouns, especiallie these that had the appearance of the weale of the kirk. Yitt it pleased our God to strenthen us, and to overcome them, and sufficientlie to stoppe the mouthes, and convict the consciences, that without iniquitie, and betraying of the Lord's truthe and crowne, we might not onlie doe the least evill for the appearance of never so great a good, but not the appearance of evill which might offend the sancts of God, or caus the adversareis to thinke, or give occasioun to speeke, that in anie thing we had fainted from so high a poiñt of the Lord's glorie which was called in questioun. Which was not as they and others tooke it, a thing indifferent, but an essential point of the soverantie of Christ's royall crown and kingdom, and that, both in authoritie of conveening his owne servants, when, where, and after what maner it pleaseth him to doe his effaires, unto the which He had promised his presence; and in the authoritie of judgement of

all maters belonging to his kingdom both essentiall and accidentall, from the which, we might not depart in anie jote, under the paine of high treasoun against the Lord Jesus; and whatsomever inconveniences was alledged to follow upon our defence, the Lord was witnesse, and all his servants, we were not the caus of it, but partlie the malice of Satan, and partlie the unrighteousnesse of our brethrein, who with Demas had embraced this present world, and were enemeis to the croce of Christ, and who had sold both their hearts and tongues to unrighteousnesse, for the wages therof. At last, it was they who were the true caus of it. The necessitie was layed on us to defend his truthe, suppose our blood sould goe for it; and we had not warrant to looke for anie blessing, ather to our selves or others, by omissioun of anie point of our duetie.

"And in these things was all our tyme spent with them. After which, they went to Linlithquo that night, and desired us to send them word on the morne, what our resolutioun was: the which we did, showing them we were of the same minde that we were yesternight; and desired Mr Thomas Hope to come to us, who came, and also Mr Thomas Gray came to us from Edinburgh, with whom again we had a new conference upon the Thursday after noone; together with some brethrein that came to us, Mr Robert Colvill, Mr Johne Scrimgeour, and Mr Robert Row, all faithfull brethrein. The conference was on the same subject; Mr Thomas Hope affirming it was an indifferent mater onlie, and we the contrare. And to confirme our purpose, beside other things, citing in that mater Mordecai his doing, in that he would not give so muche as the appearance of friendship or reverencing of that cursed natioun, in the persoun of Haman, who was an Hagagite, against whom the Lord had denounced an execrable sentence, notwithstanding of the knowne and inevitable perrell in respect of men, not onlie to him, but to the rooting out of the whole visible kirk of God under heaven. The decree was made, and Mordecai knew it, yitt he would not alter his purpose to take off his cap to him. Siclyke of Daniel, who would not, notwithstanding he knew the king's decreit to be irrevocable, doe so muche as omitt the meanest circumstance

of his wounted worship: he would not close his windowes, he would not change his statute tymes of praying, suppose the tyme was not long, but threttie dayes; and all becaus he would not give the meanest circumstance of denying or fainting, in anie point of his accustomed worship, notwithstanding of whatsomever inconveniences both to him and the whole kirk, and of whatsomever appearand good which could come, ather to him or the kirk, through the omissioun of it. For upon us onlie lyeth the caus of doing of our part, and we sould committ the whole event of all things to God. And if these men had beene in thir days, and had so stand on suche points, what would our brethrein have said of them? They would have called them but men, being onelie one, to witt, Mordecai, and one, to witt, Daniel; both foolish, that for indifferent things, cast themselves and the whole kirk of God in suche danger. But these holie men of God are left for us, to be exemplars, that not onlie in substance, but in the meanest show or appearance, we sould seeme to faint from the meanest point of the Lord's knowne truthe; wherof we are perswaded these points, both of the authoritie of our Assembleis, and of the judgement of them, and all things in Christ's kingdom, are the undoubted truthe of God. And, therefore, lett men esteeme of us as they please, we may not passe from them.

"And with these and other things our conference ended. And at that tyme also, Mr Thomas Hope went backe again to Linlithquo, so that we had not the tyme of conferring with him or them, in anie points of our defences. That same night, Mr James Melvill, Mr Johne Dykes, and Mr William Murrey, came to us, with whose fellowship we were greatlie conforted; and after incalling of the name of God, we went to consultatioun what was to be done, and how farre, for the avoiding of inconveniences, we might condescend. Sindrie things were propouned, and left to farther advisement till after supper, at which tyme we thought, that in nothing we could give in conscience the appearance of anie thing, seing it was but a show they sought, and for this end, that they might make their vantage of it against the truthe it self, and that

thereby our brethrein might be weakenned, through our exemple, in the like cace. Therefore we thought it was our duetie to give *plenum testimonium*, a full testimonie of the whole truthe, with all boldnesse, if the Lord would strenthen us; and to endure the uttermost which man was able to doe to us, yea, even to the sealing of it with our bloods, if the Lord would call us, and strenthen us to the same; calling to minde, that all the compositiouns that ever have beene in the caus of God, have ever strenthenned the enemie, prejudiced the veritie, fainted the weake, and were never seene to this day joynned with a blessing in the end; but by the contrare, God ever cursing suche meanes, which were not to walke with right foote in the truthe of the Gospell. The which our resolutions perceaved by our brethrein, especiallie our brother, Mr James, it did greatlie confort him, affirming, that the caus that made both at this tyme, and other tymes, so spairing in encouraging and exhorting others to the croce, was the knowne infirmitie that he had perceaved to be in the whole ministrie. And therefore, better it were never to resolve, than afterward to fall backward; of the which, he said, there was an evident testimonie of it in their last Assemblie at Innerkething, so few being of resolute mindes to beare the croce for the truthe's sake. And therefore was he so spairing. But seing he saw the Lord had givin that full resolutioun to beare whatsoever, for the defence of the truthe, according to the measure of grace and strenth that the Lord would minister, therefore was he presentlie conforted; and greatlie confirmed us in bearing witnesse to the truthe of the things which were spokin before, and that the croce onlie sould give the victorie to the truthe; and that there was not a meane to overcome, but onlie by suffering, and all other meanes sould ever faint, and discourage, and hurt the truthe.

"Thus, with this resolutioun, we went to rest, and on the morne, betuixt five and six in the morning, the guarde came to us with sound of trumpet to fetche us to Linlithquo. And this was the first undoubted intelligence that we gott of our sending for. And so, after incalling of the name of God, we went thither, and

that not without great peace and great joy, that the Lord our God sould have accompted us worthie to suffer for his sake. Being come, we were caried to the palace, to a chamber there, where sindrie good brethrein, both for them and us, from Stirline, Mr Patrik Simsone, Mr Henrie Livingstoun, Mr Adam Bannatyne; from Dumblane, Mr Ninian Drummond; from St Andrewes, beside the three former brethrein, was Mr Andrew Melvill, Mr Johne Carmichaell; from Dysert, Mr Johne Scrimgeour; from Dumfermline presbyterie, Mr Robert Colvill, Mr Johne Row, Mr Robert Heckling; from Lothiane, Mr Michael Cranstoun, Mr William Arthure, Mr Johne Ker, Mr Archibald Simsone, Mr William Birnie. Out of Lanerk was there also, and some brethrein out of Dumbartane presbyterie, and Mr Johne Bell of Calder out of Glasgow, he was there also, and manie of the presbyterie of Linlithquo. Some of the brethrein, to witt, one of Linlithquo, would have had us asking leave of the counsell to them, to have conferred with us, and as he said, that at the least, it might be seene that they were not all of one minde. To whom it was answered by another faithfull brother, that suche as were feared to speeke with us, lett them seeke licence; as for them, they were nather ashamed of the caus nor of the persons.

"After our comming, there were directed to us three Lords of the Counsell, to witt, my Lords Newbottle, Quhittinghame, and Blantyre, to conferre with us. Their purpose was, for the former reasouns above specified, to passe from the Assemblie, and to take up our declinatour; with a promise to deale with the king for our libertie, and that it sould not prejudge the caus; and otherwise, the inconvenience of our condemnatour and of the condemnatour of the caus, which they assured us would undoubtedlie follow, and also, the minassing of the king to the erectioun of bishops. To the which we answered, as of before, that it was a needfull testimonie which we gave, a needfull defence, a needfull duetie, and therefore could not call it backe againe. We were not to avoid inconvenience upon our selves, by doing of evill, nor yitt to thinke that God would come to us, or to the kirk, since the doing of evill has a curse, and not a blessing, promised to it. The brethrein offered,

that if the counsell would delete the whole processe and decreit before standing against them, that then they sould passe from that declinatour; otherwise, they affirmed, that their passing from it, their decreit standing against them, was to prejudge the caus, and, therefore, they said they would not. The lords answered, that the counsell could not annull that decreit, it being registred. After this, beside the particular dealing with everie brother, by suche as were of greatest acquaintance with them, and seing that they prevailed nothing, they returned to the counsell again, and therafter sent to us the second tyme the former persons, together with their collector and advocat, to declare to us the king's minde, and wherof we were to be accused, to witt, of treasoun, and that we would assuredlie be condemned in it, and the severitie of the punishment following, beside the former inconveniences; and, therefore, desired us to take advice with some of the gravest and wisest of our brethrein in this point. Unto whom we answered as of before, affirming, that we were cleere and through in this mater to endure by the Lord's grace the uttermost; alwayes, we sould seeke their advice, and send the lords our resolutioun, according to the advice.

"Upon the which they removed; and first were lett in to us Mr Andrew Melvill, Mr James Melvill, Mr Patrik Simsone, Mr Johne Carmichael, Mr Johne Dykes, Mr Archibald Simsone, with some others, to whom the mater being expouned, their advice was, that they sould goe to the counsell, and seeke libertie to their brethrein, to goe to their owne presbytereis and synods who sent them, to seeke their counsell, seing the mater was of suche importance, as belonged to the whole kirk in this land, and the brethrein sufferers were onlie commissioners. And therafter, the whole brethrein, to the number of threttie, were called in, and after incalling of the name of God, the mater was exponed *de novo* to them all, and all resolved in the former advice. Upon the which, they directed Mr James Melvill, Mr Patrik Simsone, Mr Johne Carmichael, Mr Andrew Melvill, and Mr Adam Bannatyne, to the counsell, for the same, to whom they propouned. It was alluterlie refused, soe that either at that tyme it behoved the declinatour to be taikin up, or

otherwise, the present assise to goe fordward. This the brethrein reported again to us, and the rest of the brethrein that were with us, and then came in consultatioun what was nixt to be done; whether *pro tempore et loco* the declinatour sould be taikin up or not, seing there was libertie to a man to use his defences. It was reasoned, it was alreadie done, and the testimonie was givin, and so it could not be called backe again, without a manifest prejudice to the truthe, and that there would not be a vantage taikin of it. At last, it was fullie resolved by all the brethrein, all with one heart and voice, except Mr * * * allanerlie, who said we might take up, and the rest of the brethrein who were there might come in, and take instruments, that it sould not be prejudiciall to the truthe and libertie of the kirk, our particular deid. Unto whom it was answered by another brother, that this were to committ us and the rest of the brethrein togidder, we, to doe one thing, and they, by their deid, to doe the contrare; and so this reasoun was satisfied. So it was fullie resolved by all, with one heart and voice, to stand by it, and not by some of the brethrein, to take it up. And then, by the way, was spokin, of the ignorance of some ministers, that could never thinke Christ's kingdome yitt an essentiall point, and that discipline was als essentiall to our ministrie, as the preaching of the Word and administratioun of the sacraments; and, therefore, they being so ignorant, no mervell that the people tooke these maters as things indifferent: and, therefore, were exhorted to thinke otherwise of Christ's kingdome, and to take it more deepelie to heart.

"And with this the guarde came for us. And so, after prayer, we went to our pannell, where we found present, Lords Dumbar, Montrose, Marr, Newbottle, Glames, Blantyre; Chanceller, President, Elphinstoun, Linlithquo, Abercorne, Comptroller, Halyrudhous, Collector, Sir Robert Melvill, Kilsyth, Elphinstoun younger, Lord Privie Seale. And being called, it was inquired of us, whom we would make our procurators? We answered, 'Mr Thomas Craig, Mr William Oliphant, Mr Thomas Gray, Mr Thomas Hope.' The former two were called upon, but came not. After, it was

desired they sould be sent for. Being sent for, they refused to come. The truthe was, (and as some affirme,) they were discharged by the chanceller to speeke for us. So there were none to speeke for us but Mr Thomas Hope and Mr Thomas Gray.

"Our dittay was read, which was this: Our treasonable declinatour of the counsell's judgement, grounded upon the act of Parliament, 1584. Our declinatour subscribed produced, the procurators desired warrant of the counsell to procure. It was long er they would make an act of it. At the last, knowing that fyve of us were at the horne, and therefore not leasome to procure for us without warrant of the counsell, the judge and counsell declared their licence in that point. In his answeres, first, there was reasoning. Nixt, being perceaved that the advocat dytted his answeres, and desired the clerk to write them, it was desired likewise, that their reasouns might be writtin, both in reasoning and dytting. The Lord greatlie assisted the procurators, who to the astonishment and convictioun of all, especiallie Mr Thomas Hope, did in great modestie, great libertie, and with great obedience, secunded weill by the other also, Mr Thomas Gray, who was not ashamed of the testimonie of Christ, but gave and witnessed a good confessioun of our caus, and of the libertie of Christ's kingdome in great libertie. First, they pleaded, that we could not be putt to the tryell of an assise, becaus we were not lawfullie wairned of before, whereby we might have beene sufficientlie informed, both of our dittay, and of our defences; we being no wise privie to anie suche thing, but brought furth on a suddane to the same, the which could not stand with the law, appointing so manie dayes to be givin to him, upon the which he is to be summouned. But this was repelled, and some practises in the contrare alledged, in the which, the judge did greatlie bewray himself: first, tauntinglie bidding the advocat produce a practise of it. Therafter, an exemple being produced, he answered, 'I knew a dossoun of suche practises in the contrare.' And so, that was repelled also. The advocat desired the Lords of the Counsell might be joynned with the judge as assessors, the which

was granted. And therefore the judge being Mr William Hart, when the mater was come to interlocutors, he gathered the votes on the one side, and the chanceller on the other side, desiring our procurators to remove a little, and so rounded their votes; and the chanceller was the mouth to the one side, and declaired them to the judge.

"The which forme by manie was thought strange, that in their interlocutors there sould not have beene free and publict reasoning by the judges, of the reasouns of both the parteis, that ilk one might have heard another, and be informed one by another, and then a publict and opin voting, that everie man's suffrage and vote might have beene knowne to all. For seing in maters of lesse importance, and it were but of a twentie pund mater, this forme of publict reasoning and voting is keeped, how muche more in so grave a mater as this was, not onlie of the lives of men, but of suche as were the servants of Christ, and ambassaders of the great God, and that in so grave a mater as concerned so highlie the crowne and kingdom of Jesus Christ? Alwise it is some confort to us, that in this we are conformable to the Head and to his members, with whom, not so muche as the commoun forme keeped to all men, yea, to the greatest malefactors, was keeped to us. But in this actioun, it has beene so from the verie first tyme that ever we were called, to this last tyme. The tymes of the counsell were changed for our caus, and holdin at six and seven in the morning, a thing unaccustomed before. A few onlie were present of the lords who first imprissouned us, to witt, suche onelie as were officers of state, as a nobleman compleaning of the informalitie, so named them, and a composed counsell of bishops and ministers with them; suche a counsell, as has nather warrant from God's law nor from the lawes of the land. Upon the which this confusioun now is come, that the spirituall men have brokin their limits, and medled with the civill authoritie, and givin out both sentence condemnatour against us, and sentences of punishment *ad carcerem usque*. The civill judges again have brokin their bounds in condemning, as in the effaires of our calling, and punishing us for that which belonged not to them to judge.

"But this by the way. I returne now. After this was repelled, sindrie other alledgances were givin why we sould not be putt to the tryell of an assise, the which, becaus they are writtin, and if the extract of them can be had, I would yee had them. The summe was this: First, that this declinatour was not against nather the title and intentioun of the law, which was onlie against suche as did derogat to his Majestie's royall authoritie. But this declinatour did not derogat against his Majestie's royall authoritie, leaving full to him his owne soverantie. Secundlie, that the law was onlie against suche as were summouned *de inquirendis*. But it was not so heere against us; for there is a deid and actioun wherefore we are accused, and committed to prisoun, and therefore it could not strike against us. Thridlie, all defences, seing they are *de jure naturali et communi*, God, and nature, and all lawes, permitting lawfull defences, and seing this declinatour was propouned onelie by way of defence, therefore it can not be compted treasoun. Fourthlie, *omnis lex odiosa est restringenda, non amplianda*. But this law having the penaltie of treasoun is *odiosa*, and therefore sould not be enlarged, but restricted. And seing this law forbiddes all declinatours; therefore, all declinatours of the king's Majestie, or Lords of Secreit Counsell, can not be compted treasonable, seing it was both lawfull, and in practise continuallie, that in sindrie causes his Majestie and Secreit Counsell have beene declynned; as in maters civill to the sessioun, in maters criminall to the justiciar, in maters of divorcement to the commissars; and the meannest regalitie has power to declyne supreme justicers, by vertue of their regalitie. Therefore, all declinatours of his Majestie and Secreit Counsell are not treasonable, and the violatioun of this law. And this was verified by sindrie practises, and by the late practise of the Erle of Orkney declynning the judicatorie of the Lords of Secreit Counsell in a mater wherof he was accused, the which was admitted as lawfull; and, therefore, &c. Farther, the declyning of a lawfull judicatour claming to another lawfull judicatour can not be compted treasonable, as was verified before. But this declinatour, it was of a lawfull judicatour, in a mater not

belonging to them, to witt, in the judging of the lawfulnesse or unlawfulnesse of a Generall Assemblie, unto another lawfull judicatour established by the law of God, and lawes of the realme, that is, a Generall Assemblie, which is a lawfull judicatour according to God's Word, established by the lawes of the realme, and practise in this land. And, therefore, this declinatour can not by this law be compted treasonable. Fyftlie, and last of all, was alledged the act of Parliament 92, which derogateth to the former act, citing it in expresse termes, in so farre as was prejudiciall to the offices and office-bearers in the kirk in the heeds of religioun, maters of heresie, excommunicatioun, collatioun, and deprivatioun of ministers, and all others suche like essentiall ecclesiasticall censures warranted by the Word of God. And seing the Generall Assemblie was an essentiall ecclesiastick censure warranted by the Word of God, therefore, in that point, by vertue of that posteriour act, it was lawfull to declyne, without the prejudice of that former act, forbidding it under the penaltie of treasoun. Farther, it was reasouned, that this declinatour could no wise be compted treasonable, and that, by that former law, seing the lawes of the realme had not judged suche a deid to be treasoun, but onlie forbidding suche a thing under the paine of treasoun. And there was a great difference betuixt the qualitie of a fact, and the penaltie annexed to a law forbidding suche a fact. So, seing the qualitie of this fact by the lawes of this realme is not judged treasonable, but the most is, that the law makes the penaltie of it to be treasoun, therefore, the dittay can not be treasonable, as is indytted; and, therefore, we sould not be fyled with an assise of a treasonable declinatour.

"This was the summe of the reasoning so farre as I could remember. This being dytted, and the advocat making his replyes, which in the consciences of all did not answere nor elevat the meanest of these reasouns, for the evidence of convictioun was great, and the advocat eshewed the answere to the substance of the reasouns; and especiallie, he answered nothing at all of substance to the posteriour act of parliament, but past it over slen-

derlie without anie answere at all to it. At the last, after he had dytted his answeres, all were putt to the interlocutor, after the forme that I shew you before.

"But before the pronouncing of the interlocutorie, becaus some might have offended at the word '*simpliciter*' in our declinatour, wherin we say that we declyne the judicatour of the Lords of Secreit Counsell *simpliciter* in the caus foresaid, as though we had declynned *simpliciter* their judicatour, therefore we explained it, and shew unto the lords, that in all civill maters, als farre as anie other subject of the land acknowledged his Majestie's authoritie, and the authoritie of his Majestie's Secreit Counsell, als farre did we acknowledge, and with all reverence submitt our selves to his soverantie, and the judgement of his Majestie's Secreit Counsell, in all maters that anie subject did, or would, or could doe. But as for the effaires of Christ's kingdom, and ecclesiasticall effaires, which God has distinguished from the former, wherin we sould declyne, and lawfullie did declyne, the judgement of anie civill judicatour to cognosce and judge of them, seing Jesus Christ allanerlie, as he is the onlie King in his kirk and kingdome, so, to him onlie, in his kirk and kingdom, apperteaneth the judicatour of all things belonging thereto. Yea, this has beene the practise of all Christian emperours and princes, as they judged of civill effaires by civill persons, so, in ecclesiasticall effaires, they judged with the kirk, and as members onlie of the kirk. So that, as civill effaires sould be judged by the king and civill persons onlie, so, ecclesiasticall effaires sould be judged onlie by the kirk, and with the king, as a member onlie of the kirk. And therefore we shew, that by this declinatour we did no prejudice to the king's Majestie's royall authoritie, and his counsell's, submitting our selves with all reverence unto his Majestie, and that is onlie reserving the judgement of maters belonging to our office unto Christ and his kirk allanerlie. And we shew there a supplicatioun givin in before our declinatour did sufficientlie cleere this mater; the which also we produced, and gave in to the clerk.

"So, after all this, at last the interlocutor was produced by the

judge, that all the exceptiouns alledged were repelled, and found irrelevant, and that by all *una voce:* the which hearing, my Lord Halyrudhous and collector answered, 'Say not so, my Lord.' Unto whom the judge replyed, 'Na, we are honest men, as yee are; and not my name onlie, but the names of you all sall be inserted *ad perpetuam rei memoriam.*' My Lord Chanceller said also to the collector, 'My Lord, that needeth not.' Kilsyth also spake to my Lord Elphinstoun to say somwhat, but all keeped silence. Alwise the word is, and some of the counsell have reported it, that there was never man consented to this interlocutor, but onlie my Lord Dumbar president, chanceller, Montrose comptroller. Whether this be true or not, we know not. But if it be true, then both there is wrong done to the rest of the Lords, and also they themselves, by their silence afterward, suppose they did not consent, yitt have approved it, and so their silence makes them all guiltie.

"After this interlocutor givin, the assise was called and sworne. The persons are these:—the Lairds of Dunipace, Keir, Carden, Sauchie, Pantoun, Livingstoun, Robert Livingstoun of Westquarter, Cragiehall, Marke Swintoun, a knowne Papist, Polwart Hume, Northberwick Hume, James Gib of Caridden, the Laird of Broxmouth Hume, Gawin Hume of Johnscleuche, Thomas Hume of Rentoun, Hume of Deanes. A number of them were faithfull and honest men. After they were admitted and sworne, the dittay is read unto them, and the advocat declaireth that the assise has no more to judge of, but onlie of the deid, whether we had declynned or not; and, for the verificatioun of the deid, produceth our subscribed declinatour, which we *in judicio* acknowledged to be ours. As for the rest, the judges had alreadie decerned it that it was treasoun, and therefore belonged not to them *de jure facti*, but onlie *de nudo facto;* not of the right or wrong of the deid, but of the bare deid it self. It was answered, that suppose the judge had repelled all alledgances and exceptiouns, wherefore we sould not be putt to an assise, not onlie to try the deid, but the qualitie of the deid, seing it was not the bare deid that was all our dittay, but the qualitie of our deid, that it was a treasonable

declinatour, and therefore it behoved them to cognosce of the qualitie of it, whether it was treasonable or not. And it was said, that that was a strange forme of judicatorie, first to condemne our fact, er ever it was tryed; and us to be tratours, er ever the deid was tryed. And surelie, if this had beene true, wherefore sould we have beene putt to an assise? The lords themselves pronounced the doome against us. For the declinatour, we denied it not; but the thing which was denied was, whether it was treasonable or not. After this, the judge keeping silence, and not willing to putt the assise out of doubt concerning this mater, it became them to trie, but onlie referred to the clerk to tell them; wherin the partialitie of the judge was manifest, that would not make it plaine to the assise what it was they sould cognosce upon. The which also was the caus that made some of them, and by name the Goodman of Berwick, to vote, that he fyled us.

"Then, after this, we spake the assise; first, Mr Johne Forbesse, after the exhorting of them to take heed to that which they were about to doe, first cleered us of suche calumneis as were layed to our charge, as the contempt of the king's letters, the letter of the counsell, and the letters of the commissioners; and as to the letters of horning, deposed and attested in most solemne maner, that as we sould answere to God in that great day, directlie nor indirectlie, by Laurestoun nor no other, did we ever heare of their charge that was alledged givin the Moonday before. And where the advocat replyed what was the caus that they were not sought to be improvin, it was answered, that it was sought by our bills, but they were ever cast over the barre, and could never be heard. And becaus the advocat pretended ignorance of it, it was replyed that he could not be ignorant of it, seing that it was one of the reasouns which we gave in to the counsell to cleere the equitie of our caus, after our declinatour was givin in; and that our persons were holdin in suche straitnesse and captivitie, and our bills never answered, that we could never have the occasioun of a tryell of the falsehood of that charge; and as for the counsell's letter, it was true that it was receaved and read, and in a

part obeyed, so farre as might be, without the hazard of our conscience, and the hurt of the libertie of the kirk; for no more was done there but the appointing of a new day and place of the nixt Assemblie, which ather it behoved us to have, or ellis the Assemblie would have deserted; and we could not have beene answerable to our presbytereis and synods who sent us, if we had done so. So that a necessitie was layed upon us to doe that which we did. And wheras the counsell's letter sould have beene compted contemned and disobeyed, lett you, my lords, see to it, that yee bring not in suche a preparative, as that the refusall of a missive letter sould be reputed disobedience: as for us, we cannot so esteeme of it. And as for the commissioner's letter, by a plaine law made at the last Assemblie holdin at Halyrudhous, where his Majestie was present, they were discharged and inhibited to alter or change the dyets of a Generall Assemblie, and ordeaned that they sould be keeped in all tymes therafter, according to the lawes of the kirk, and acts of Parliament. Sua, that all power was taikin from them by a plaine law, to alter or change the dyet of the Generall Assemblie, and the act was produced. And therefore why sould we be charged with disobedience becaus their missive letter was not obeyed? But I see we must beare the punishement of their iniquitie; for it is they who, by their crooked courses, have brought in all this upon the kirk. What a strange thing, therefore, is this, that we sall be punished who have done nothing but according to God's Word, lawes of the kirk and of the realme? And we onlie, in doing of our dueteis, to be reputed the caus of all these evills; but it is they who have incensed his Majestie, and is the fountaine of all these things. Therefore [they] desired the assisers, in the name of the great God, as they would be answerable to him in that great day, that they would take heed what they did, and that they would remember that oath which they made in that Confessioun, wherin they were sworne to mainteane the discipline of the kirk, under the paine of eternall condemnatioun.

"After he had spokin, another brother speeketh unto them, the effect whereof was this: First, shewing that there were manie of

us, whose faces they had never seene before, and that they sould now take good heed unto that which they were about to doe; and as for persons, they were not muche to be regarded: alwise, we were their brethrein in Christ, and bound with them in the same fellowship of the Gospell; and had found this mercie of God, to be the servants of Jesus Christ, howsoever men esteemed of us; yitt, in his sight, and before the Lord, we were no lesse nor ambassaders of the great God, careing the message of death and life, of salvatioun and condemnatioun, unto his people; and therefore, whatsoever thing was done to us, sall be accompted as done to himself. We say, therefore, unto you, as Jeremie said unto the princes, as he was standing before them, accused by the preests and propheits, as we are this day, 'We are in your hands now, to doe unto us as it sall please the Lord our God to direct you to doe this day; but know, for a certaintie, that if ye condemne us, yee sall bring innocent blood upon yourselves, and upon this whole land. For of a truthe, the Lord has sent us, and we have done no iniquitie, nather is there anie unrighteousnesse in our hands.' As for this mater wherof we are now accused, and of the which yee are to be our judges this day, we speeke unto you the truthe in the sight of our God, that in this point we are throuchlie and fullie resolved, that it is the undoubted truthe of God, and that it belongs to the crowne and kingdome of Jesus Christ; and we are not solicite in this mater. For we have come out this morning to this tribunall with greater joy and gladenesse, nor ever we came to meate and drinke, when we were hungrie and thirstie; and are resolved so in the truthe of it, that we are readie (if so the Lord sall call us, and strenthen us) to seale it up with the testimonie of our blood. And this our resolutioun is nather yesterday nor the day; for the twentie-foure weekes of our imprisonment might have givin us sufficient tyme and leasure to have thought upon the weightinesse and gravitie; and howsoever manie thinke it but a thing indifferent, yitt it is not so in our conscience, but a maine and essentiall point of Christ's kingdome. The mater, therefore, wherefore we are accused this day is, the declynning of the coun-

sell's judgement, in the mater of the lawfulnesse and unlawfulnesse of our Assembleis, grounded on the act of Parliament 84; the which act is expresslie derogated by the posteriour act, 92, where there is expresslie affirmed, that it sall not be prejudiciall to the spirituall offices and office-bearers in the heeds of religioun, and all suche like essentiall and ecclesiasticall censures warranted by the Word of God, under the which, this mater of the lawfulnesse and unlawfulnesse of the judicatour of the Generall Assembleis is comprehended; it being a maine heed of religioun belonging to the kingdom of Jesus Christ, of whose royall prerogatives this is one, that He onlie sould be Soverane Judge in all the maters belonging to his kingdome, and that in and by his kirk. For as we have our callings and offices of Him onlie by the kirk, so sould we be judged in all the dueteis of our office onlie by him in his kirk. And seing parliaments, counsells, and all civill judicatours, belong onelie to the royall crowne of a worldlie king, and to the libertie of a worldlie kingdome, and the judgement of all civill judicatours belongs onlie to the king and kingdome wherof they are; even sa, all the meetings, conventiouns, and assembleis of the kirk, which is the kingdome of Christ, wherof our Generall Assembleis is one of the cheefe, belongs essentiallie to Christ's royall authoritie, and to his kingdome, and the judgement of all his assembleis and conventiouns; and so, consequentlie, of a Generall Assemblie, belongs onlie to Christ Jesus, the onlie King, in and by his kirk: and as civill effaires sould be judged onlie by civill persons, so, spirituall and ecclesiasticall effaires onlie by spirituall persons; and that it is comprehended under the essentiall and ecclesiasticall censure warranted by the Word, it being the cheefe of our conventiouns, wherin our discipline is exercised, warranted by the Word, and long in use and custome practised, er ever there were a law made for the establishing of it. So that the Generall Assembleis being the principall conventiouns wherin our ecclesiasticall censures are exercised, and the judicatour of the lawfulnesse of a Generall Assemblie, by an ecclesiasticall censure and judicatour of necessitie; by the same law, the declyning in this point cannot be compted treasoun

by the former law, it being so evidentlie comprehended within the exceptioun of the posteriour law, that has expresselie derogated to the former. And yee have to know, that this forme of declyning is no new thing, nor unaccustomed thing, in this kirk, as that we were the first that had done this; and that we onlie were of this judgement, that civill judicatours sould be declyned in ecclesiasticall maters; na, we are not the first that have declyned the counsell. There was a declinatour before us, of his Majestie and Lords of Secreit Counsell, the which was subscribed by the whole ministers of the whole kirk in this land almost, who were actuallie in the ministrie therin, to the number of foure hundreth ministers or thereby; yea, these same bishops of ours, and commissioners, who now are the caus and fountaine of all our troubles. For it is they onlie who are the cheefe caus of all these things; and upon them doe we lay heere the burthein of all these evills that we have suffered, or sall suffer, and of all the hurt that hath, or sall come to the Kirk of God. They also have subscribed the same declinatour, and their subscriptiouns are yitt to the fore, and we have them in readinesse to produce, to witnesse to their faces, that same caus for the which we suffer now; not onlie all the whole ministers, by their subscriptiouns yitt extant, but also they who now are our enemeis, by their hand writts yitt extant, approved and justified the lawfulnesse of our declinatour, in declyning the civill judicatour in maters spirituall. So that there is a mater belonging to the whole kirk, which the whole kirk has approved, which our enemeis have approved, by their hand writts, which was done before us. And therefore, yee sould greatlie take heed to this, who are to judge of this mater, whether or not such a deid be treasoun, which so manie have approved by their subscriptiouns? And there is a thing in speciall which is to be considered, which our brother before made mentioun of, to witt, of your solemne oath in the Confessioun of Faith, whereby yee are bound, not onlie to the confessioun of doctrine and discipline, but also to the maintenance of it all the dayes of your life: and therefore, I will read heere the words of it to you, so farre as concerneth that mater; 'Unto the

which kirk we joyne our selves willinglie, in doctrine, faith, religioun, discipline; promising and swearing, by the great name of the Lord our God, that we sall continue in the doctrine and discipline of this kirk all the dayes of our life, and sall mainteane and defend the same, according to our power and vocatioun, under the paines conteaned in the law, and danger of God's fearefull judgements in this world, and of eternall damnatioun of soule and bodie in that great day.' The which, not yee onlie, but we and yee, my lords, and the king's Majestie, and all estates in this land, are bound unto. Now, our Generall Assembleis, and judicatours of the kirk, is a principall part of this discipline, so that we are bound to the maintenance of this, under the paine of eternall damnatioun, and yee also, under the same paine. And therefore, heere now I testifie unto you; for now may we speeke unto you, because we will not have occasioun afterward, that seing yee are bound by this solemne oath to the maintenance of this discipline; and this wherof we are accused, and wherof yee are now to judge, is a part, that yee would take good heed what yee doe. For we testifie unto you before God, and Jesus Christ who sall judge man and angell in that great day, and before whom yee must be judged, that yee would bewarre in this mater, and bring not innocent blood upon your selves.

"After the which speeche, Mr Johne Forbesse added farther, turning his speeche unto the lords, saying, 'My lords, I remember that historie of the covenant that Josuah and the princes of Israel made with the Gibeonites, a people which, by the Lord's commandement, were appointed to be destroyed, which came unto them, and fained themselves to be strangers dwelling in farre countrie; with whom, Josuah and the princes (not having consulted with the mouth of the Lord) made a covenant, that they sould not doe. The which, when it was knowne afterward, that they were of that people that the Lord commanded to destroy, the people came to Josuah and the princes, desiring of them that they might be destroyed: unto whom they would not consent, becaus they had bound themselves by an oath unto them, the which they

might not violat. After this, about 400 yeeres, Saul, the first king, for the zeale of the people of Israel, he destroyed them; and after his death, the Lord, for the violating of that truthe, brings foure yeeres' famine upon Israel, in the dayes of David; and when the caus of it was enquired at the Lord, the Lord answered, that it was for the bloodie hous of Saul, for destroying the Gibeonites, contrare the oath made. They being called by David, and desired to tell what they would have done, that the wrathe of the Lord might be pacified; [they required] nothing but seven of his posteritie that did it to be hanged up before the Lord. The which was granted, and so the wrathe of the Lord pacified. Now, I pray you, my lords, and especiallie you my Lord Dumbar, that has his Majestie's eare, that yee will tell him, in the name of the Lord, that his solemne covenant and oath which his Majestie has made, which all yee my lords have made, and all the whole land, for the maintenance of this discipline, that the violatioun of it sall bring the judgement and wrathe of God upon his Majestie and his posteritie, upon you, my lords, and the whole land: and, therefore, heere I in the name of the great God testifie unto you, that this solemne covenant be not brokin; and for your farther informatioun in the same, I would read yitt that which followes: * * * * * * * * * * * * * * * So take heed to yourselves, that yee bring not the vengeance of God upon the whole land.'

"After the which speeche, the advocat replyes and declairs, first, the knowledge, wisdom, equitie, integritie of the prince. Nixt, he aggredgeth muche that disobedience of ours to his Majestie, and then declairs the counsell's lenitie toward us; and now, in the last point, in offering to us this libertie to passe from our declinatour: therefore exhorts the assise not to give credit, or be perswaded by our speeches. Unto the which it was answered, that howsoever my Lord Advocat called them but twelve or thritteene weekes imprissouned, yitt we kend them better, having the experience of the difficulteis in them, and, therefore, remember better how manie they were, to witt, moe than twentie-foure weekes

imprissounment. And as for lenitie of the counsell, our bills were never heard, but rejected continuallie; our imprissounment some tyme so strait, that we were excluded from all societie, both amongst our selves and others. And as for contempt, our disobedience was none, as was answered before the rest of our brethrein; and by name, Mr Robert Durie, in his owne name, and name of the rest, testified, that they continued and approved all that their brethrein had spokin of before.

"After the which reasouning, Polwart, one of the assise, desired licence to speeke, and desired to be remitted off the assise, in respect that the mater was of suche weight; and the like also did Dunipace, confessing his simplicitie and ignorance; and desired at the least, that men of knowledge might be joynned with them, and that some learned men might have licence to come reasoun with them. Polwart siclyke would have had it delayed whill the morne; but all this was refused. Northberwick desired the judge to lett them know, what it was which was putt to their tryell; whether the bare deid, or the qualitie of the fact? The judge gave him no answere, but referred him to the clerke to informe him. And therafter, the assise is removed, and Craigiehall is made chanceller. Of whom it is reported, that when they had cryed on him, and continued in crying, that he in his comming sould have said, 'Weill, they would have me upon the assise: then, I vow to God heere, I sall clenge them!' What slight there was, both in choosing the assise, so manie Humes on it, and making him chanceller, we know not: alwise it may be that God [will] bring to light afterward. Alwise, the mater is reasouned among them, and Dunipace, with great knowledge, libertie, and boldnesse, reasouned it fullie with manie obtestatiouns; declairing, that God was looking on them, that they would be judged one day again, that for all the king's pleasures under heaven, yea, for a world, he would not condemne us. God was greatlie in him, for we have it of suche as heard everie word and vote amongst them. At the last, they were once so farre moved, that they were resolved once to have cleansed us. Word

of this is sent doun; and some of the counsell comes to them, and reasouns with them, as we are informed: promises are made, that it sall never harme us, nor prejudge us the caus. Upon the which, sindrie being perswaded, at the last they resolve to send to us some to see if we would passe from our declinatour, yitt assuring us it would goe against us.

"The persons that were sent were the justice clerk and Craigie-hall the chanceller. They propouned to us. We answered, first, if the counsell first would goe from their decreit past against us in prejudice of the caus, and annull that, and restore the caus to the first integritie, we were content to passe from it. Nixt, we shew them, of the advice and desire of our brethrein, which was before we entered, that we might have licence to advise with our presbytereis and synods in this mater; for being commissioners, and the mater belonging to the whole kirk, we could doe nothing in it of our selves; and desired them to consider of it gravelie. As for us, we were resolved through His grace to seale it with our bloods, and therefore told [them that] none of the former two things could be granted by them; so [let them] doe as they would be answerable to the great God. And farther, there was a commissioun givin by one of the brethrein to the justice clerk, charging him by the great God that he would tell it to the assise, before the writting of it, that if they condemned us, seing in the sight of God we are innocent, that not onlie sould our innocent blood cry against them, to be layed upon them and the whole land, but also, upon them sould come all the righteous blood that ever was shed, from the blood of Abel the righteous unto this verie tyme; and the ground of all this was the testimonie of our Lord in Matt. xxiii.

They returne, and goe to voting, in the which there be six that clenge, and eight that fyle, with the chanceller. There is great rumours of it, there has beene no rest, no, not in them that clenged us, becaus they were upon that assise where we were fyled. Keir testified he gott no rest all that night. Thus they returned, and the clerk also, astonished with it, that he could skarselie produce it. Alwise it was produced, to the great astonishment of all, de-

teasting greatlie the iniquitie of it; the sentence of the punishment referred to the king, and we ordeaned to returne to the palace, where there we were keeped by foure or five of the guarde, that none might come to us nather that night nor the morne. The assise continued till ten houres at night.

"Heere we have the conformiteis to marke: Christ was betrayed by them that had their hand in the plait with him; so were we by our brethrein. They said, it behoved the king ather to take some order with us, or ellis there was no life for them; for they would be stained[1] out of the countrie, unlesse we were ordered. He was taikin in the night; we were fetched in the night. They came to him with staves; they come to us with a guarde. He is first condemned by an ecclesiasticall judicatour; so were we first condemned by an ecclesiasticall judicatour of our late commissioners, who tooke upon them to condemne our Assemblie. Witnesse the king's Majestie's proclamatioun yet extant, testifeing that the commissioners had condemned it. After, he was judged and condemned by the secular judge; so were we. He was condemned in the night; also are we: for it being a worke of darkenesse, the tyme behoved to be the tyme of darkenesse.

"After this, on the morne, we were remitted all together to Blacknesse, to closse imprissounment, that none sould have accesse to us, without speciall licence of the counsell. It was also ordeanned on the morne, that Mr Johne Forbesse and I sould be transported to Huntingtoure, under keeping of the comptroller. Alwise, for the present, yitt we are heere. And this is the true historie, so farre as we remember, of the whole proceedings.

"As for our estats, never had we suche peace nor rest since ever we knew Christ, and never had we suche experience of true joy; so that we see it is good to suffer for Christ. The experience of joy makes us willing with gladnesse, if the Lord will strenthen us, to be content to lay doun our lives for his sake, in the testimonie of the truthe. Our brethrein have beene greatlie conforted by this, so that some of them have testified with manie teares, that

[1] Stoned.

they never had suche joy since ever they kend Christ; yea, that the verie joyes of the other kingdom was in their heart, and that they never saw a more glorious day, and God's presence and power so evident, as that they never saw it in suche a maner. Others of our brethrein, and not of them onlie, but all sort of Christians, even suche as were halting betweene two [opinions] before, now have testified plainlie, whereas before they thought it was but obstinacie, that it was but upon indifferent things we stood, now, they affirmed it to be upon manie points belonging to the crowne and kingdom of Christ. And in this point, now, are they readie to dee with us, and to suffer with us in the same. All sorts of people, even suche as knew nothing of it, suche as condemned, as suche as were not weill informed of our caus, all are content; all give now a faire testimonie that the caus is Christ's, and that we are innocentlie and unjustlie condemned; and I know not how it is, but the commoun people are cursing the assise that fyled us, and cursing the judge, and all instruments of our afflictioun. Surelie God has beene greatlie magnified by the same, and therefore we are fullie conforted, and doe rejoice suppose we sould be offered up in a sacrifice for his glorie, in the testimonie of the truthe. The Lord strenthen us to underly everie thing.

"We thinke it strange, if everie man gett leave to come backe, till the tyme they have drunken the blood of some. Thus, some of our deere brethrein, Mr Andrew Melvill, Mr James Melvill, Mr Johne Carmichael, Mr Johne Dykes, Mr Johne Scrimgeour, Mr William Murrey, convoyed us to our waird; and there we sindered, with unspeekable joy on both sides, and with manie teares, both rejoicing, in that our Lord was magnified in our sufferings by our infirmiteis; and with this joy are we daylie refreshed. We heare, that my lord of Dumbar sent to all the ministers of Edinburgh, to desire them to speeke nothing of that mater, promising upon his credit and honour, that nothing sould be done to the prejudice of the caus, or hurt of our persons. What they did we know not. We are informed, that some of our brethrein heere, on this presbyterie, that never nather prayed for us, nor spake a word in this

caus, have now not onlie prayed, but also givin opin testimonie of confessing, that they have beene over long in beginning, and that they are readie to suffer with us for this point; and that this was the violatioun of the solemne covenant, that would bring down the wrathe of God upon all. Thus, the Lord is greatlie magnified, and we are greatlie strenthened. As for you now, and the rest of our brethrein, we thinke that nothing sall be done with you till some order be tane with us, who are alredie convicted. Pray for us, that we may stand to the end. Alwise be upon your guarde."

By the craft of the bishops, there was a report made to the king that the chanceller was upon the counsell of the holding of the Assemblie of Aberdeene. They tooke hold of some speeches uttered by Mr Johne Forbesse in the counsell: for when the chanceller seemed vehement against the ministers, Mr Johne said, "My lord, if yee be remembred, we did nothing in that meeting of Aberdeene wherof your lordship was not foreseene. Therefore, we mervell that your lordship is so vehement against us." The chanceller finding himself tuiched, answered, "If I spake anie thing in that mater it is more than I remember." It was thought, indeid, that the chanceller was no freind to the bishops, and that he feared their rysing. The king is offended with the chanceller, and sent commissioun to some noblemen to try his part in that mater. When it was tryed, and Mr Johne Forbesse has proved his alledgance, it was looked that the chanceller sould have beene changed. The Erle of Dumbar was sent doun both to try and to change him. But partlie by his freinds at home, and partlie by the queene and English secretareis' moyen, he was suffered to injoy still his office. In the meane tyme, the Parliament which sould have beene holdin in Edinburgh was prorogued, and appointed to hold at St Johnstoun, becaus the toun of Edinburgh favoured the chanceller. But this was not the onlie caus.

In the moneth of May there were sent from court eight missives, directed to eight ministers, indorsed after this maner:—

> "To our trustie and weill-beloved N., Ministers of God's Word at ———, etc."

The tenour followeth :—

"JAMES R.

"Trustie and weill-beloved, we greet you heartilie weill. Our earnest desire to intertaine that happie peace of the church of our kingdom of Scotland, which with great care and travell we left universallie established therin at our removing thither, having since, from tyme to tyme, beene manifested by our letters to the most part of the synods of that realme, and to diverse our commissioners by missives and instructiouns, als weill verball as in writting; and more perfectlie ratified by letters writtin to our counsell with our owne hand, proporting most cleere testimonie of the constancie of our love, to all weill affected members of that bodie; which by proclamatiouns and imprinted declaratiouns was likewise so solemnelie published, as the notorietie therof could be unknowne to none, but suche as, through wilfull senselessenesse, would nather heare nor see: having, neverthelesse, so little prevailed with some incredulous, wilfull, ingrate, and malicious disposed persons, as some of them have not forborne rashlie to contemne and disobey our authoritie, charges, and commandements, and so stubbornelie to persist in their contumacie, as their malicious obstinacie has forced us to intend greater rigour against them, than our inclinatioun alloweth, yitt, farre lesse than their offences did deserve; and others have presumed, in pulpit, foolishlie to justifie the obstinate and malicious proceedings of their brethrein, and therewith to slander our just commandements, and lawfull proceedings of our counsell; as also, the synods being required by our letters and commissioners directed to them, to provide for their owne parts, so farre as in them lay, to give us assurance, that certan acts established in former Assembleis, necessarie for the weale and peace of the church, particularlie expressed in our instructiouns sent unto them, may be ordeanned by them not to be propouned, treatted, or altered at the nixt Generall Assemblie, which we knew to be more fitt to be untuiched and overpast at the same, than that anie mentioun sould be made of them, least thereby occasioun sould arise of distractioun

in the church, and offence to ourselves; yitt, they so little regarded the earnestnesse of our sute, as their answeres universallie tended to a present delay, without anie assurance to us of their performing at the Assemblie, of that which for their owne weill we so earnestlie urged. Wherin, finding a more generall oppositioun to our just petitioun than we could ever have expected in anie suche cace, these things and other weightie reasouns have moved us heereby to will and command you all, excuses set aside, not to faile with diligence to repaire toward us, before the 15th day of September nixt, to the intent we may that day beginne with yourselves, and suche others of your brethrein as we have knowne to be of good learning, judgement, and experience, and commanded likewise to be heere at that same tyme, to treate with you in maters concerning the peace of our said Church of Scotland; and make our constant and unchangeable favour borne to all the duetifull members of that bodie manifestlie knowne unto you, whereby yee may be bound in duetie and conscience to conforme yourselves to our godlie meaning, and to heare true witnessing, for justifeing the lawfulnesse of all our intentiouns and actiouns, als weill concerning the whole church as the particular members therof; and that it may be manifest to all the world, that we having embossed ourself, for giving satisfactioun to all that are of that professioun, farther than other princes accompt beseeming to their estate: If, therefore, anie turbulent spirits be not recalled to their duetie, but persist maliciouslie in unduetifull contempt of us, it may then be worthilie judged, that the severitie which by their obstinacie we may be forced to use, sall rather be violentlie extorted against our nature, for their amendement, than willinglie inflicted for their overthrow. Thus, hoping yee will not faile preciselie to keepe the foresaid appointed day, as yee tender our service, and the weale of the church, we bid you fareweill.

"At our Mannour of Greenewiche, the 21st of May 1606."

In the moneth of Julie, when the nobilitie and other estats were conveened at Edinburgh, to hold parliament at the day appointed,

it was prorogued to the first of Julie, to be holdin at Perth. The pretended caus for change of the place was, the infectioun of the pest at Edinburgh, which was almost none at all. But the true caus was, the unfitnesse of the place for the setting up of bishops upon the stage of honour, purchassing of a taxatioun of foure hundreth thowsand merkes, and the freindship that the chanceller had in Edinburgh.

The brethrein writtin for to court, viz., Mr Andrew Melvill, Mr James Melvill, Mr James Balfour, Mr William Scott, Mr Johne Carmichaell, Mr Robert Wallace, Mr Adam Colt, Mr William Watsone, conveened at the same tyme at Edinburgh; and after incalling upon the name of God, advised, whether they sould obey the king's letter or not. After long reasoning, finding no appearance of anie good, [they] resolved to use all the excuse they could, and, therefore, appointed some to speeke the Erle of Dumbar. When they had used all their moyen and credite, there was no remeid but they must goe, or doe worse; for the nixt wairning would be a charge, to their greater paines, and lesse advantage to their caus, the cheefe men standing in defence of the same, being blotted with contempt and disobedience. They were also made to beleeve, that this was devised by some who would have maters to proceed better, and without the bishops' and commissioners' knowledge. Therefore, as they loved the weale of the church in commoun, and of the imprisouned brethrein in particular, they were desired to doe as they were directed by the letter. So they resolved first to attend on the Parliament at Perth, and therafter to prepare themselves for their journey.

The secreit device and intent of the king and commissioners was, to draw them to court, and to deteane them there, till they had gottin their course advanced farther, under colour of a nationall assemblie. The Erle of Dumbar appointed Mr James Melvill to come to him to Falkland, when he was to ryde to Perth. He made Mr James beleeve that he was the procurer of these letters, for a speciall benefite both to the kirk and them; that the bishops knew not therof till of late, and when they understood of

it, they had travelled to stay it, but in vaine: therefore willed them to be of good courage, to make no excuse, nor to be affrayed; assuring them that, by God's grace, he sould make it the best voyage that ever they made; when as he meant no suche mater, but knew verie weill wherefore they were sent for. He asked Mr James if he purposed to be at the parliament? He answered, he was appointed with others, by the presbyterie, to be there. "Weill," said Dumbar, "I will speeke with you then at greater lenth; for I will tell you, the Bishop of St Andrewes wrote to me, to discharge you from comming to Perth; but I will not."

The bishops were to be erected at the parliament approaching, according to their presentatiouns. The tenour of one of them followeth, together with some animadversiouns:—

"JACOBUS, DEI GRATIA Rex Magnæ Britanniæ, Franciæ, et Hiberniæ, Fideique Defensor, prædilecto nostro consilario, Domino Ricardo Cockburne, juniori de Clerkingtoun, militi, nostri secreti sigilli custodi, Salutem.

"Quia in parliamento nostro tento apud Edinburgh, mense Decembris, anno 1597, per nos, cum avisamento trium nostri regni statuum, statutum et ordinatum fuit, quod omnes et singuli episcopatus vacantes, aut postea vacare contingentes, talibus sufficientibus et qualificatis ministris, quos pro loco et dignitate eorundem episcopatuum idoneos esse cogitaremus, conferantur et concedantur. Et nunc nos intelligentes, archiepiscopatum A. in manibus nostris, decessu quondam B. C. novissimi episcopi et possessoris ejusdem vacare, ac dilectum servitorem nostrum, M. P. D. esse actualem ministrum, et specialiter, per generalem ecclesiæ conventionem nobis recommendatum, tanquam spontaneum et habilem in nostris publicis negotiis et ecclesiæ regnique nostri statu inservire: Ideo nos, cum avisamento fidelium nostrorum consilariorum, Jacobi Domini Balmerinoth, nostri secretarii, et Magistri Joannis Prestoun de Fentounbarns, collectoris generalis et novarum nostrarum augmentationem thesaurii, fecimus, constituimus, et ordinavimus, tenoreque præsentium facimus, constituimus, et ordinamus dictum

M. P. D. Archiepiscopum de A. dando, concedendo, et disponendo sibi, durantibus omnibus vitæ suæ diebus, omnes et singulos fructus, reditas, emolumenta, decimas garbales, hasque decimas feudifirmæ, firmas, canas, custumas, casualitates, castella, turres, fortalitia, maneriei loca, domos, horta, pomaria, et columbaria, tam infra murum et præcinctum dicti episcopatus loci, quam alias, ubicunque eadem jacent, in quavis parte intra regnum nostrum Scotiæ; cumque sylvis, piscationibus, terris, regalitatum burgis, omnibusque aliis devoriis, privilegiis, et immunitatibus de jure eodem spectantibus, aut quocunque tempore præterito a prædicti episcopatus fundatione spectare valentibus, una cum tota et integra superioritate et domino regalitatis ejusdem, libera capella et cancellarii advocatione, et donatione beneficiorum, ad dispositionem archiepiscopatuum de A. quovis tempore præterito existentium, et specialiter, cum donatione rectoriarum et vicariarum de C. D. E. F. G. quæ sunt terræ et baroniæ dicti archiepiscopatus, et cum integra dispositione eidem spectantium, adeo libere sicut quivis archiepiscopus eundem ante exercuit. Et preterea, nos ex regali et libera nostra dispositione, pro bonitate et melioratione dicti archiepiscopatus, annexavimus, univimus, et incorporavimus, tenoreque præsentium unimus, annexamus, et incorporamus in eundem archiepiscopatum, totam et integram rectoriam de A. cum fructibus, reditibus, emolumentis, decimis, aliisque devoriis ejusdem quibuscunque; cum mansionibus, domibus, glebis, et glebarum terris ejusdem. Ordinamusque eandem, omni tempore futuro partem patrimonii dicti archiepiscopatus fore, cum potestate dicto, Magistro P. suisque camerariis et factoribus, durante ejus vita, postque ejus decessum, archiepiscopis sibi in dicto loco et archiepiscopatu successoribus ejusdem, intromittendi et levandi (dictus vero M. P. ejusque successores ecclesiam de A. in sufficientibus ministris victu competentibus; ibi inservientibus providendi.) Ac etiam nos cum avisamento prædicto, dedimus et disposuimus, tenoreque præsentium damus et disponimus, dicto M. P. durante ejus vita, totas et integras tertias, sive tertias partes dicti archiepiscopatus, sufficientibus ministris victu competentibus, absque omni alio onore providere astringetur. Et postremo, dedi-

mus et concessimus, tenoreque præsentium damus et concedimus dicto archiepiscopo, civitates, dignitates, feoda, homagia, prioritates universitatum, scholarum, et hospitalium, infra limites et bondas dicti archiepiscopatus, in veteribus legibus et consuetudinibus regni nostri Scotiæ permissas, aut in favorem dictorum archiepiscoparium per aliquos nostros nobilissimos prægenitores Scotiæ reges quavis ætate præcedente authorizatas et defendatas, non obstante acto annexationis, temporalitatis, prælatiarum coronæ nostræ. Quod quidem, cum omnibus aliis actis et constitutionibus in prejudicium alicujus partis præmissorum tendentibus, nos cum avisamento, dispensamus, volumus que præsentes expressam derogationem iisdem efficere' omnibusque et singulis in præmissis, sicuti nos promittimus in verbo Principis, præsentem nostram donationem, disposi tionem, aut provisionem in proxima sessione parliamenti nostri ratificare et approbare, dictumque archiepiscopatum et integrum patrimonium ejusdem, castella, turres, domus, maneriei loca, omnesque alias devorias ad eundem pertinendum, aut quæ eodem pertinere dignoscuntur, a patrimonio nostræ coronæ in dicto parliamento dissolvere. Quare vobis nostri consilii et sessione dominis, stricte præcipimus, quatenus literas ad instantiam dicti M. P. pro sui suorumque camerariorum suo nomine responsione et obedientia, omnium et singulorum emolumentorum, devoriarum, firmarum, decimarum, garbalum, aliorumque decimarum, canarum, custumarum, casualitatum, tenentum, introituum, eschetarum, multurarum, molendinorum, aliorumque quorumcunque de instanti croppa et anno Domini, &c. Et similiter, annuatim et terminatim durante ejus vita, nullisque aliis, sub pœna cornuationis et districtionis; cornuationis vero literas, super simplici mandato decem dierum tantummodo delegatas et deliberetis. Mandamus etiam vobis nostri Secreti Consilii Dominis, quatenus alias nostras literas et mandata pro restitutione castellorum, locorum, hortorum, fortalitiorum, columbariorum, maneriei locorum, aliorumque domorum, ad dictum Archiepiscopum pertinen. dicto M. P. suisque factoribus et camerariis, suo nomine infra sex dies mandatum proxime sequen. sub pœna rebellionis, similiter tradatis et deliberetis. Et si disobediri contigerit, ad denunciandum, &c. Vobis," &c.

ANIMADVERSIONS ON THE PRESENTATIOUN FORESAID.

1. There is manifest untruthe in the presentatioun, bearing the bishops to be presented and recommended to his Majestie. The Generall Assemblie was never made acquaint with their presentation, lett be to accept of it.

2. They are presented to all fruicts, rents, teind-scheaves, and small tithes, within the whole bounds of their bishopricks, which can not stand with the law of God or man.

3. They are provided to whatsomever priviledges and immuniteis anie of their predecessors had at anie tyme heeretofore. This is expresse against God's law, derogative to the discipline of the kirk, and against the priviledges of his Majestie's crowne; is also derogative to the erectioun of the commissariats, which is one of the cheefest judicatoreis of Scotland.

4. They are provided to all superioriteis; lordships of lands, and dominiouns therof, judicatoreis, regaliteis, presentatioun to all benefices whatsoever, was at their gift of old. What can this be ellis, but erectioun of tyranns above the kirk of God, by this forme of preferment; ranversing all the order and discipline of the kirk, that hath these forty-six yeares, with the great blessing of God, beene exercised in this kirk?

5. They are licenced by their provisiouns to lift up the rents of all their kirks, and to pay stipends to Tulchans to serve the cure; which is blasphemie to permitt, being so direct contrarie to God's law.

6. They are provided with all liberteis, digniteis, homages, prioriteis of universiteis, schooles, and hospitalls, and priviledges whatsomever, givin or granted to them by whatsomever persons their foundators of old, notwithstanding the act of annexatioun, or whatsomever other act, law, or constitutioun made in the contrare heeretofore. Is not this forme of erectioun the erectioun of a papisticall bishop?

A PARLIAMENT.

The parliament was holdin at Perth the nynth of Julie, by Johne Erle of Montrose, Lord Grahame and Magdocke, his Majestie's commissioner, with advice of the estats. At this parliament, the brethrein, commissioners from presbytereis, furth of all the parts of the realme, were frequentlie conveenned, howbeit the bishops had made sute by the counsell to have them discharged. But the counsell thought it not meete. They conveened orderlie in Mr Johne Malcolme's, who was one of the ministers of Perth, an upright-hearted man, who interteaned a great number of them when the toun was throng, upon his owne expences. When they perceaved that there was muche bussinesse made for advancement of the bishops, they revised a protestatioun penned by Mr Patrik Simsone, minister at Stirline, and after thought good to present it to the Commissioners of the Generall Assemblie, that by them it might be presented to the Lords of the Articles; becaus it was their duetie to deale in commoun maters of the kirk at Parliaments, and the lords would receave nothing from anie other.

THE PROTESTATION GIVIN IN TO THE PARLIAMENT HOLDIN AT PERTH IN THE BEGINNING OF JULIE, 1606.

"The earnest desire of our hearts is, to be faithfull; and incace we could have beene silent and faithfull at this tyme, when the undermynned estat of Christ's kirk craves a duetie at our hands, we sould have locked up our hearts with patience, and our mouths with taciturnitie, rather than to have impeshed anie with our admonitioun. But that which Christ commandeth, necessitie urgeth, and duetie wringeth out of us, to be faithfull office-bearers in the kirk of God, no man can justlie blame us to doe it, providing we hold ourselves within the bounds of that Christian moderatioun, which followeth God, without injurie done to anie man, speciallie these whom God hath lapped up within the skirts of his owne honourable styles and names, calling them gods upon earth.

"Now, therefore, my lords conveened in this present Parliament, under the Most High and Excellent Majestie of our dread Soverane, to your Honours is our expectatioun, that yee would endeavoure with all singlenesse of heart, love, and zeale, to advance the building of the hous of God, reserving alwayes unto the Lord his owne hands, that glorie which he will communicat nather with man nor angell; to witt, to prescribe from his holie mountaine, a livelie paterne, according to the which his owne tabernacle sould be formed: remembring alwise, that there is no absolute and unbounded authoritie in this world, except the soverane authoritie of Christ the King, to whom it belongeth als properlie to rule the kirk according to the good pleasure of his owne will, as it belongeth to him to save his kirk by the merits of his owne sufferings. All other authoritie is so intrinched within the marches of divine commandement, that the least overpassing of the bounds sett by God himself, bringeth men under the fearefull expectatioun of temporall and eternall judgements. For this caus, my lords, lett the authoritie of your meeting in this present Parliament be like the ocean sea, which, as it is the greatest of all other waters, so it conteaneth itself better within the coasts and limits appointed by God, than anie river of fresh running waters hath done. Nixt, remember that God hath sett you to be nurish fathers of his kirk, craving at your hands, that yee sould foster, mainteane, and advance by your authoritie the kirk, which the Lord has fashiouned by the uncounterfooted worke of his owne new creatioun, as the propheit speeketh, he hath made us, and not we ourselves; but not that yee sould presume to fashioun and shape a new portraiture of a kirk, and a new forme of divine service which God in his Word hath not before allowed; becaus that were the extending of your authoritie farther than the calling yee have of God doeth permitt; as namelie, if yee sould (as God forbid) authorize the pre-eminence of bishops above their brethrein, yee sould bring into the kirk of God the ordinance of man, and that thing which experience in all preceeding ages has testified to be the ground of great ydlenesse, grosse ignorance, unsufferable pride, pitilesse tyrannie, and shame-

lesse ambitioun in the kirk of God; and finallie, to have beene the ground of that antichristian hierarchie, which clame up upon the steppes of the pre-eminence of bishops, untill that Man of Sinne came furth, as the rype fruicts of the wisdom of man, which God sall consume with the breathe of his owne mouth. Lett the sword of God pierce the bellie that brought furth suche a monster, and lett the staffe of God crushe that egge which hath hatched suche a venomous cockatrice; and lett not onlie that Roman antichrist be throwed doun from the high benche of his usurped authoritie, but also, lett all the steppes whereby he clame up to that unlawfull pre-eminence be cutt doun, and utterlie be abolished in this land. Above all things, my lords, beware to strive against God with an opin and displeyed banner, by building up againe these walls of Jericho, which the Lord has not onlie cast doun, but also layed them under an horrible execratioun and maledictioun, so that the building of them again must need stand to greater charges to the builders, nor the re-edifeing of Jericho to Hiel the Bethelite, in the dayes of Achab: for he had nothing but the interdictioun of Joshua, the captan of the people of God, and his curse, to stay him from building again of Jericho; but the noblemen and estats of this realme have the reverence of the oath of God made by themselves, and subscribed with their owne hands, in the Confessioun called the king's Majestie's, published ofter nor once or twise, and subscribed and sworne to by his Most Excellent Majestie, in the yeere 1581 and 1590, and so, by his Hienesse' nobilitie, estats, and whole subjects of this realme, to hold them backe from setting up again the dominioun of bishops; becaus it is of veritie, that they subscribed and sware in the said Confessioun not onlie to mainteane the true doctrine, but also the discipline professed at that tyme within the realme of Scotland.

"Consider also, that this worke cannot be sett fordward, without the great slander of the Gospell, defamatioun of manie preachers, and evident losse and hurt of the people's soules committed to our charge. For the people are brought almost to the like cace as they were in Syria, Arabia, and Egypt, about the 600 yeere of our

Lord. The people were so brangled and shaikin with contrarie doctrine sounding in the kirk of God, some damning, and others allowing the opinioun of Eutyches, that in end, they lost all assured perswasioun of true religioun, and within short tyme therafter, cast the gates of their hearts wide opin, to receave in that vile and blasphemous doctrine of Mahomet. Evin so, the people in this land are cast in suche admiratioun, to heare the preachers who so opinlie damned the estat of statelie pre-eminencie of bishops, and then, within a few yeeres therafter accepted the same dignitie, pompe, and superioritie, in their owne persons, which they before had damned in others, that the people knowes not what way to inclyne; and in end, will become so doubtsome in maters of religioun and doctrine, that their hearts will become like an opin taverne doore, which is patent to everie ghuest that likes to come in.

"We beseeche your Honours to ponder this thing in the ballance of a godlie and prudent minde, and suffer not the Gospell to be slandered by the behaviour of a few number of preachers, of whom we are all bold to affirme, that if they goe fordward in this defectioun, not onlie abusing and appropriating that name of bishop to themselves allanerlie, which is commoun to all the pastors of God's kirk, (1 Peter v.,) but also taiking upon them suche offices as carie with them the ordinarie charge of governing the civill effaires of the countrie, neglecting their flockes, and finallie, seeking to subordinat their brethrein to their jurisdictioun; if anie of them, we say, be found to step fordward in this course of defectioun, they are more worthie, as rottin members, to be cutt off from the bodie of Christ, nor to have superioritie and dominioun over their brethrein within the kirk of God.

"This pre-eminence of bishops is that Dagon which once alreadie fell before the arke of God in this land; and no bonds of yron sall be able to hold him up againe. This is that paterne of the altar brought furth at Damascus, but not shewed to Moses on the mountaine. And therefore it sall fare with it as it foore with that altar of Damascus. It came last in the temple, and went out first, at the reformatioun of Josias. Lykewise, the institutioun of Christ was anteriour to this pre-eminence of bishops, and will con-

sist and stand within the kirk of God, when this new-fashiouned altar sall goe to the doore.

"Remember, my lords, that in tyme past, your authoritie was for Christ, and not against him. Yee followed the light of God, and strove not against it; and like a babe in the mother's hand, yee said to Christ, 'Draw us after thee.' God forbid that yee sould now leave off, and fall away from your former reverence borne to Christ, presuming to leade him, whom the Father has appointed to be a leader of you; and farre lesse, to traile the holie ordinances of Christ by the cords of your authoritie, at the heeles of the ordinances of men. And albeit your Honours have no suche intentioun, to doe anie thing that may impaire the honour of Christ's kingdom, yitt remember, that spirituall darkenesse flowing from a verie small beginning, does so insinuat and thrust in the self into the hous of God, as men can skarselie discerne by what secreit meanes the light is dimmed, and darkenesse croppin in, gottin suche upperhand, as in end, at unawars, all is involved within a mistie cloud of horrible apostasie.

"And least that anie sould thinke this our admonitioun out of tyme, in so farre as it is statuted and ordeanned alreadie by his Majestie, with advice of his estats in parliament, that all ministers provided to prelaceis sould have vote in parliament, as lykewise, the Generall Assemblie, his Majestie being present therat, has found the same lawfull and expedient; we would humblie and most earnestlie beseeche all suche to consider, first, that the kingdom of Jesus Christ, the office-bearers and lawes therof, nather sould, nor can suffer anie derogatioun, additioun, diminutioun, or alteratioun, (by the prescript of his holie word,) by inventiouns and doings of men, civill or ecclesiastick. And we are able by the grace of God, and will offer our selves to prove, that this bishoprie which is sought to be erected is against the Word of God, the ancient canons and fathers of the kirk, the moderne most godlie and learned divines, the doctrine and constitutiouns of the Kirk of Scotland since the first reformatioun of religioun, the lawes of the realme ratifeing the governement of the kirk by generall and provinciall assembleis, by presbytereis and sessiouns; also,

against the weale and honour of the king's most excellent Majestie, the established estat and weale of the kirk, in the doctrine, discipline, and patrimonie therof; the weale and honour of your Lordships, the most noble and ancient estats of this realme; and finallie, against the weale of all and everie one of the subjects therof, in their soules, bodeis, and substance.

"Nixt, That act of parliament granting vote to ministers, is with a speciall provisioun that nothing thereby be derogatorie or prejudiciall to the present established discipline of the kirk, and jurisdictioun therof, in generall and synodall assembleis, presbytereis, and sessiouns.

"Thridlie and last, The king's Majestie in the Generall Assemblie, sitting, voting, and consenting therewith, has feared the corruptioun of that office, and therefore circumscribed and bounded the same with a number of cautiouns, all the which are ordeanned to be insert in the gift of the benefices of suche as sall be chosin by his Majestie and the Generall Assemblie to vote in parliament; not giving to them the name of Bishops, for feare of importing the old corruptiouns, pompe, and tyrannie of the Papisticall and English bishops, but calling them commissioners for the kirk, to vote in parliament. According to the which cautiouns, nather have these men now called bishops entered to that office of commissionarie to vote in parliament, nather since their engyring have they behaved themselves therin.

"And, therefore, in the name of the Lord Jesus Christ, who sall hold that great court of parliament to judge the quicke and the dead; and in the name of his kirk in generall, so happilie and weill established within this realme, and wherof this kingdom has felt the confortable fruict and effect, in peace and unitie, free from heresie, schisme, and dissensioun, these forty-six yeeres: Also in name of our presbytereis, from which we have our commissions; and in our owne names, office-bearers, and pastors within the same, for discharging of our necessar duetie at so needfull a tyme, and for disburthening of our consciences, we doe solemnelie except and protest against the said bishoprie and bishops, and the erectioun,

confirmatioun, or ratificatioun therof at this present parliament; most humblie craving, that this our protestatioun in substance and forme, as it is sett doun, may be admitted by your Honours, and inregistred among the acts and statuts of the same, incace (as God forbid) these bishopricks be erected, allowed, ratified, or confirmed in the present parliament."

This protestatioun was subscribed by the ministers whose names heere follow:—

A. Melvill, Ja. Melvill, Wil. Scot, Ja. Ros, Jo. Carmichaell, Joh. Gillespie, Wil. Areskine, Col. Campbell, James Muirheid, Jo. Davidsone, Jo. Mitchell, Jo. Coldane, Jo. Abernethie, James Davidsone, Adam Bannatyne, Johne Row, William Buchanan, Johne Kennedie, Johne Ogilvie, Johne Scrimgeour, Johne Malcolme, James Burden, J. Bleekfurd, James Strauchane, James Row, William Row, Robert Merser, Edmund Myles, Johne Frenche, Patrik Simsone, Johne Dykes, William Young, William Cowper, William Keith, H. Duncan, Ja. Merser, Robert Colvill, William Hog, Robert Wallace, Johne Wemes, David Barclay, William Cranstoun.

When the commissioners of the Generall Assemblie understood that the Lords of the Articles were treatting upon the bishops' erectiouns, they desired to be heard. But it was refused. Then they gave in their protestatioun in writt, wherin they made mentioun of the arguments to prove and fortifie the equitie of it. But their protestatioun was rejected by Chanceller Setoun in their name, who said they had command so to doe. It was therefore thought meete that a copie of the protestatioun sould be presented to everie estat, as they satt severallie, and to the speciall noblemen, by two of the brethrein, directed of purpose to everie one of the estats. The brethrein who were directed exhorted them in the name of God to weygh and consider it, and to stand for the caus of Christ against this corruption. When they were together, they promised fairlie; but their commissioners, for the most part, were

wonne ather one way or other to their purpose. There rested onlie a protestatioun to be made in the opin parliament, the last and most solemne day of the same, which Mr Andrew Melvill, and others with him, resolved to doe.

Mr William Cowper, minister at Perth, made a sermoun to the contentment of the godlie, the day preceeding the first ryding day of the parliament. But nather he, his collegue, Mr Johne Malcolme, nor anie other of that sort, were suffered to preache again before the estats, during the tyme of the parliament. It was alledged, that expresse directioun had come from court, who sould preache before them. So, Mr Andrew Lamb, now Bishop of Galloway, preached the nixt day. The Englishmen said, that a lamb had proved an old sheepe. Mr Patrik Galloway preached on the Sabboth following. He feared the losse of his credit and worldlie pelfe; yitt he said, that it was not the king's minde to sett up bishops, lords in parliaments, to be lords over the kirk, and over their brethrein, or to have anie authoritie in the governement of the kirk over them; and, therefore, to prevent suche corruptiouns, cautiouns were sett doun by his Majestie and the Generall Assemblie, which they had sworne and subscribed, and that they sould be esteemed shamefullie perjured if they controveenned them. Wherupon, the commissioners of the presbytereis desired the commissioners of the Generall Assemblie to conveene. At their instant desire, they conveenned. The commissioners of the presbytereis offered to prove, that the bishops had brokin all the caveats, both in the entrie to their bishopricks and behaviour since their entrie. But the commissioners of the Generall Assemblie refused to be judges in that mater, referring it to the Generall Assemblie which was to be holdin at Dundie the last Tuisday of that instant moneth of Julie. But at the rysing of the parliament, the Assemblie was prorogued by opin proclamatioun to another yeere, and so nothing was meant uprightlie. The commissioners of the presbytereis urged, that at least the cautiouns might be insert in the act of parliament which was made in favours of the bishops. The commissioners, and some of the bishops, thought this reasonable,

becaus it was so agreed upon by the king and the Generall Assemblie holdin at Montrose, and one of the cautiouns expresselie beareth the same. Notwithstanding the commissioners craved this of the Lords of the Articles, and urged the same reasouns, the Lords of the Articles would not grant; yea, the chanceller said plainlie, "We enter not bishops according to an act of an Assemblie, but according to that they were an hundreth yeeres since."

Mr Johne Spotswod, Bishop of Glasgow, (against whom was produced his owne father's testimonie in a Generall Assemblie, that a civill functioun was no wise compatible with the office of the ministrie,) made the exhortatioun in the parliament hous before the estats. He directed the greatest part of his speeches against the established discipline. The commissioners from the presbytereis accused him to the commissioners of the Generall Assemblie, but they refused to judge or censure him.

BISHOPS RYDE AT PARLIAMENT.

At this parliament, the erles and lords were clothed in reid skarlet. It is constantlie reported, that Dumbar, Bishop of Aberdeene, at the tyme of reformatioun, said, that a reid parliament in St Johnstoun sould mend all again. It was thought that he was a magician. His speeche is like to prove true, for since that tyme, defectioun has ever growne. The first day of the parliament, ten bishops did ryde betuixt the erles and the lords, two and two, clothed in silke and velvet, with their foote mantles. The two archbishops, Mr George Glaidstains, and Mr Johne Spotswod. Nixt to them, Mr Peter Rollock, Bishop of Dunkelden, a bishop in respect of the benefice, but never a minister; and Mr Gawin Hammiltoun, Bishop of Galloway. Nixt to them, Mr David Lindsey, Bishop of Rosse; and Mr George Grahame, Bishop of Dumblaine. Nixt to them, Mr Alexander Dowglas, Bishop of Murrey, Mr Alexander Forbesse, Bishop of Cathness; and last, Mr James Law, Bishop of Orkney, and Mr Andrew Knox, Bishop of the Iles. Mr Peter Blekburne, Bishop of Aberdeene, thought it not

beseeming the simplicitie of a minister to ryde that way in pompe; therefore, he went on foote to the parliament hous. The rest of the bishops caused the chanceller remove him out of the parliament hous, becaus he would not ryde as the rest did. Mr Arthure Futhie, a minister in Angus, a man of big stature, walked along the street, with his cap at his knee, at the great metropolitan, Mr George Gladestains' stirrop. But the last day, the bishops would not ryde, becaus they gott not their old place, that is, before the erles, and nixt after the marquisses, but went quietlie on foote to the parliament hous. This made the noble men to take up their presuming humours, and to mislyke them, als soone as they had sett them up, fearing they were sett up to cast them doun.

Upon the last day of the parliament, Mr Andrew Melvill, after he had gottin entrie in the parliament hous, but verie hardlie, stood up to speeke and protest. But how soone he was espied, he was sent to, and commanded to depart; which notwithstanding he did not, till he made all that saw and heard him understand his purpose.

There were three things of importance concluded at this parliament. 1. The setting up of bishops of new, with their whole livings, rents, priviledges, conforme to these of old in tyme of Poprie, and a confirmatioun of their new gifts. 2. The erectioun of seventeene prelaceis in temporall lordships. 3. A taxatioun of foure hundreth thowsand merkes. A pactioun was made betuixt the lords and the bishops, that the bishops sould consent to the erectioun of the prelaceis in temporall lordships, and the lords to the erectioun of the bishops to their old estat and digniteis. But as the lords sold the liberteis of the kirk, or purchassed these temporall lordships with the thraldome of the kirk, so they now find, that they have builded but upon a sandie foundatioun; for none are so earnest to stirre up the king to revocke these erectiouns, seing they have gottin their owne turne done. Yea, at the verie tyme of the erectioun, they had the same intentioun, which I heard in the meane tyme by these that were most familiar with them. But it is no wounder that tratours to God be tratours to men.

The first act of this parliament concerned the king's Majestie's

royall prerogative. The estats and whole bodie of this present parliament all in one voluntar, humble, faithfull, and united heart, minde, and consent, truelie acknowledge his Majestie's soveran authoritie, princelie power, royall prerogative, and priviledge of his crowne, over all estats, persons, and causes whatsomever within his said kingdome; and his Majestie, with expresse advice, consent, and assent of the estats, ratifieth, approveth, and perpetuallie confirmeth the samine, als absolutelie, amplie, and freelie in all respects and considerationns, as ever his Majestie, or anie his royall progenitours, kings of Scotland, in anie tyme bygane possessed, used, and exerced the samine. The respect moving the estats is sett doun in the narrative of the act to be, his Majestie's extraordinar graces, most rare and excellent vertues, singular judgement, foresight, and princelie wisdome. But this respect is not hereditarie. The act of the king's supremacie was keeped so closse, that the clerk durst not lett anie have an extract therof; yitt at last, the words following came furth in great secrecie:—

"The king's Majestie, whom the whole estats of this present parliament, of their bound duetie, with most heartilie and faithfull affectioun, humblie acknowledge to be soverane monarch, absolute prince, judge and governour over all persons, estats, and causes, both spirituall and temporall, within his said realme."

These words are sett doun in the secund act, by occasioun, where the restitutioun of the thrid estat is said properlie to perteane to his Majestie. The yeere after, the oath of the allegiance of the subjects of the kingdom of Scotland was published in print, as followeth:—

"I, N., for testificatioun of my faithfull obedience to my most gratious and redoubted James, King of Great Britaine, France, and Ireland, Defender of the Faith, affirme by this my solemne oath, testifie and declare, that I acknowledge my said soverane onlie supreme governour of this kingdom, over all persons and in all causes; and that no forraine prince, power, state, or persoun, ather civill or ecclesiastick, has anie jurisdictioun, power, or superioritie over the same. And, therefore, I doe utterlie renounce and forsaike all forraine jurisdictiouns, powers, and authoriteis; and

sall, at my utter power, defend, assist, and mainteane his Majestie's jurisdictioun foresaid, against all deadlie; and never declyne his Majestie, his power, nor jurisdictioun; by this my oath, my hand upon the Holie Evangell. So help me God. At Edinburgh."

"Printed by Robert Charters, Printer to the King's Most Excellent Majestie, *anno Dom.* 1607."

The secund act conteaneth the constitutioun of the estat of bishops. It is first regraited, that in his Majestie's young yeeres and unsattled estate, the ancient and fundamentall policie, consisting in the maintenance of the three estats of Parliament, has beene greatlie impaired, and almost subverted, by the indirect abolishing of the state of bishops; by the act of annexatioun of the temporaliteis of benefices to the crowne, made in his Hienesse' Parliament holdin at Edinburgh, in the moneth of Julie 1587, whereby albeit it was never meanned by his Majestie, nor by his estats, that the said estat of bishops, consisting of benefices of cure, and being a necessarie estat of the Parliament, sould on no wise be suppressed; yitt his Majestie, by experience of the subsequent tyme, has cleerelie seene, that the dismembring and abstracting from them of their livings, has brought them into suche contempt and povertie, that they are not able to furnishe necessars to their privat familie, muche lesse to beare the charges of their wounted ranke in Parliament and generall counsels, and after the exemple of their predecessors, to assist and supplee their prince with their counsell and goods, in tyme of peace and warre: The remeed wherof properlie perteanes to his Majestie, whom the whole estats, of their bounden duetie, with most heartlie and faithfull affectioun, humblie and truelie acknowledge to be soverane monarch, absolute prince, judge and governour over all persouns, estats, and causes, both spirituall and temporall, within the said realme. Therefore his Majestie, with expresse advice and consent of the saids whole estats of Parliament, being carefull to repone, and restore, and redintegrat the said estat of bishops to their ancient and accustomed honour, digniteis, prerogatives, priviledges, livings, lands, tithes, rents, thrids, and

estate, as the samine was in the reformed kirk, most amplie and free at anie tyme before the act of annexatioun foresaid, by the tenour heerof, retreats, rescinds, reduces, casses, abrogats, and annulls the foresaid act of annexatioun of the temporalitie of benefices to the crowne, made in the yeere of God 1587, as said is, in so farre as the samine may in anie wise comprehend or be extended to the authoritie, dignitie, prerogative, priviledges, towres, castells, fortalices, lands, kirks, tithes, thrids, or rents of the said bishopricks, or anie part therof; with all other acts of Parliament made in prejudice of the saids bishops in the premisses, or ane of them; with all that has followed or may follow therupon; and all acts of dismembring of particular kirks, or commoun kirks of the said bishopricks from the samine, or for separating the thrids of the said bishopricks from the bodie, title, and two part of the same: To the effect, the persons presentlie provided to the bishopricks of Scotland, or anie of them, or that heerafter sall be provided to the same, may freelie, quietlie, and peaceably injoy, bruike, and possesse the honours, digniteis, priviledges, and prerogatives competent unto them or their estat since the reformatioun of religioun; and all towres, fortalices, lands, kirks, tithes, rents, two part, thrids, patronages, and rights whatsomever belonging to the bishopricks, or anie of them, to use and exerce the same, and freelie dispone upon the whole two part, and thrid, temporalitie and spiritualitie of the said bishopricks, and all the premisses belonging to the said bishopricks, as the saids acts of annexatioun, and remanent acts made in anie wise to their prejudice in the premisses, and everie one of them, and all that follow therupon, had never beene made nor done, they alwise interteaning the ministers serving at the cure of the kirks of their saids bishopricks upon the readiest of their said thrids, according to the ordinarie assignatiouns made, or reasonablie to be made theranent.

The thrid act concerneth the delapidatioun of bishopricks. The estats find and declare, that no bishop within the realme may sett in few, tacke, or otherwise, nor doe anie other deid, in disponing of anie part of the patrimonie of their said bishopricks, without the advice and consent of their chaptours, or the greatest number

of them, duelie procured and obteaned thereto. In the purchassing of whose consent, it sall not be requisite to have their said chaptours chaptourlie conveened, but (the saids deeds being otherwise lawfullie done, and subscribed by the most part of the said chapter) the not meeting and conveening chapterlie, at the tyme of the making of the said rights, and subscribing therof, sall furnishe no ground wherupon the said facts or deeds may be querrelled, or the said rights and titles impugned or annulled, through the caus and occasioun foresaid. Which chapters decerne and declare to remaine now, and in all tymes comming, according to the foundationns of the said bishopricks, and as has beene in tymes bygane, without anie kinde of alteratioun to be made therin; excepting alwise the chaptour of the Archbishoprick of St Andrewes, the alteratioun wherof (which is made in maner underwrittin) necessarilie proceeded, in that the samine consisting of before of the Pryorie of St Andrewes, is suppressed by the new erectioun of the said pryorie, whereby the said chaptour ceasseth. And, therefore, the said estats have declared, and declare, that the said chaptour of St Andrewes sall heerafter consist of the number of the persons following: viz., of seven persons of the ministrie, dwelling, and having their charge within his diocie of St Andrewes, to be elected and nominated by the said archbishop himself, to be the perpetuall convent and chaptour of the said archbishoprick in all tyme comming; and after the deceasse, or removing of anie one or moe of them from their present places and functioun within the said diocie, the intrant succeeding in that place and charge, to succeed also in the same rowme of the chaptour and convent. Reserving alwise to the said archbishop and his successours their ancient priviledges, that the commoun seale of the said chapter, to be made of new by their owne advice, sall serve for their consents, without their subscriptiouns.

In this Parliament was also made an act of annexatioun of the Personage of Glasgow to the bishoprick therof. *Item*, A ratificatioun to the Bishop of Galloway of the Pryorie of Quhitterne.

These verses and sonets following were spread and affixed at this tyme:—

1.

When Constantine Sylvester sett up hie
On civill seate in his empyre of Rome,
The voice from heaven then sounded mightilie;
Now, poyson is powr'de out on Christendome.
Great James of Britane, alas! why does thou sa,
That spirituall poyson sould thy people sla?

2.

Sheepheards, for shame, beware, looke weill about,
And lett no Bytesheeps come your fold within:
Darre yee indent? No, better hold them out,
Y'ill find no faith fra they their point have wonne.
See ellis their slights: what, looke yee to their skinne,
Suche one does prove a woolve lookes like a lambe,
Tha 'r more nor blind that see not things beginne;
Looke to your nighbour's feild, behold the flamme,
Loe it has burnt, trow yee to scape the same?
Or ten tymes worse, if anie worse can be?
The play goes on, wait yee on after game;
Tha 'll beare it out, then sall yee sighing see
Sights, flights, shifts, shewes, pomp, pride, and to conclude,
Whatever is ill, but never a thing is good.

3.

By Pallas' art the Grecians built an hors,
Als hudge as hill, presenting him to Troy;
And subtile Sinon taikin, as perforce,
Perswaded them to breake their wall with joy,
By their owne hands this hors for to convoy,
And sett him up in his most sacred place.
But therout ishing, captans did destroy
With fire and sword their citie, soone, alas!
The Dardan prophets cry'de, and bade them ceasse,
Alluring them to worke their owne releefe;

But foolish madnesse spoiled them of grace,
So God for sinne brought on their last mischeefe.
This hors, this Sinon, and this Trojan sak,
Methinkes I see, whill we these bishops mak.

Followes the verification of the points offered to be proved in the Protestation givin furth then also.

REASONS WHY THIS NEW SORT OF BISHOPS SOULD NOT BE SETT UP IN SCOTLAND.

"*To the King's Most Excellent Majestie, and Most Noble and Religious Estates of this present Parliament, to be holdin at Perth, Julie* 1606.

"Ambrosius ad Theodos. Imper. Epist. lib. 5, Epist. 29.

"Non est imperiale, libertatem dicendi negare, neque sacerdotale quod sentiat, non dicere. Hoc interest inter bonas et malos principes, quod boni libertatem amant, servitutem improbi. Nihil etiam in sacerdote tam periculosum apud Deum, et tam turpe apud homines, quam quod sentiat in causa Christi non libere denunciare. Adde, quod silentij mei periculo involveris, libertatis bono juvaris."

REASONS WHY THE KING'S MOST EXCELLENT MAJESTIE, AND THE MOST NOBLE AND BEST REFORMED CHRISTIAN ESTATE OF THE ANCIENT REALME OF SCOTLAND, SOULD NOT SETT UP THIS NEW SORT OF BISHOPS IN THIS PRESENT PARLIAMENT, ETC.

"*Cap.* 1.

"*That the office of this new sort of Bishops is against the Word of God.*

"*Argum.* 1.

"That the ministers of God, separated from the commoun effaires of the world, sanctified and consecrated to the service of

God, and salvatioun of his people, sould have a publict office and charge in the commoun wealth and worldlie effaires, is flatt repugnant to the Word of God, and particular places of Scripture following:—Numbers, cap. iii. v. 44, 45; Num. c. xviii. v. 6; Deut. xviii. 12; Deut. x. 8; Acts xiii. 2; Rom. i. v. 1.

"These, and manie moe places of Scripture, prove the propositioun. Then, to assume: But if it is, these bishops are ministers of God, by their professioun are counsellers in the commoun wealth, lords in parliament and conventiouns of the estats, lords of touns, barons of lands, &c. They runne to court, leaving their ministrie, to get bishopricks which they have obteaned, with priviledges of the old bishopricks, which they pride them in publictlie in the sight of all, and presence of the greatest: therefore all against the Word of God.

"*Argum.* 2.

"That the ministers of Christ sould be distracted from preaching of the word and doctrine is direct against the Scripture, namelie, these places, Deut. xxxiii. 8; Luke ix. 59; Acts vi. 2. Now, the arguments from these places conclude most strongelie *a comparatis.* For if most necessarie, naturall, œconomick, yea, even ecclesiastick offices, as of elderships and deaconships, sould not distract from preaching of the Word suche as have the gift and calling thereto, muche lesse sould civill and worldlie offices and effairs. But yitt, to insist with strait command and charge, and most weightie exhortatioun and attestatioun, out of the Word: John xxi. 15, 16, 17; 1 Tim. iii. 16. If, then, the love of Jesus Christ be in the hearts of ministers; if the care, attendance, and whole occupatioun and exercise of them ought to be in reading, exhortatioun, and doctrine, for the saving of themselves and others; if they sould preache the Word, improve, rebooke, exhort in seasoun and out of seasoun, and make all tymes seasonable therefore, and no tyme rightlie spent without that: And, finallie, if they thinke to stand before that great Judge, in that fearefull day of his appearance in glorious and terrible majestie, as suche as have fullie

approved that ministrie to their owne conscience, and the conscience of others in the sight of God, lett them see how they may be distracted with civill offices and effaires; and if so to be, be not directlie against the Word of God, seing they sould be singers and cheefe fathers of the Levits in the chambers of the Lord's hous, having no other charge but to be occupyed in that bussines day and night, 1 Chron. ix. 33.

"*Argum.* 3.

"To make and esteeme the charge of soules so light, that therewithall another office, civill, publict, and worldlie, may be joyned and borne, is direct against the Word of God, and particular parts therof subsequent. But so doe the bishops, Ezech. xxxiv. 1; Zach. xi. 17; Acts xx. 20; 1 Pet. v. 2, 8; 2 Cor. ii. 15; Heb. xiii. 17. We may then boldlie of these Scriptures, and manie moe, evidentlie shew and conclude that they never knew what the charge of soules meant, that would joyne therewith a publict and politick office and charge; or if they knew it, they never weyghed and felt it; they are strangelie blinded, benummed, and miscaried by Balaam's wages.

"*Argum.* 4.

"The mixing, jumbling, and confounding of jurisdictiouns and callings in ane person, which God distinguished in persons and maner of handling, is against the Word. But so it is, that the office of bishoprie confounds the spirituall and civill jurisdictiouns and callings in the person of one: *Ergo*, Num. xviii., ver. 4, 5.

"The ministers, then, of God's service, and the civill rulers, are strangers one to another, and sould not be confounded, under paine of death, 2 Chron. xix. 11; Deut. xxii. 9. Doeth God play the gairdiner, pleughman, or webster heere; or is not this a ceremoniall command, to eshew all mixture and confusioun in the Lord's vineyaird, feild, and shop, which is his kirk and people? This also the apostle, 1 Cor. cap. ix., teacheth us, citing that ceremoniall command, 'Thou sall not mussell the mouth of the oxe that tradeth

out the corne,' for the provisioun of the ministers of the kirk with things temporall. And, finallie, our Maister, in the Gospell, distinguisheth expresselie betuixt the things perteaning to God and to Cæsar, saying, 'Give unto Cæsar that which is Cæsar's, and unto God that which is God's.'

"*Argum.* 5.

That the officers of Christ's kingdome sould meddle with things perteaning to the kingdom of Christ, is αλλοτριοεπισκοπειν, to be busie bodeis in maters impertinent to them, against the Scripture. But civill and worldlie offices and maters perteane not to the kingdom of Christ, and yitt are medled with by these bishops: Therefore, against the Scripture, Johne vi. 18; Johne xviii. 36. Remembring the which confessioun that Christ was a king, but his kingdom was not of this world, the apostle Paul giveth a charge unto Timothie, 'I charge thee (sayeth he) in the sight of God, who quickeneth all things, and before Jesus Christ, who, under Pontius Pilat, witnessed a good confession, that thou keepe this commandement;' meaning anent the whole discipline and ruling of the whole kingdom of Jesus Christ, that is not of this world, sett doun by the apostle in that epistle, 1 Tim. vi. 13; Johne viii. 11; Lucke xii. 13, 14. The civill and worldlie offices, then, have nothing to doe with the kingdom of Christ in their persons, and are suche as nather Christ nor his apostles ever tooke on, or would take upon them.

"*Argum.* 6.

"That Christ's ministers sould beare worldlie pre-eminence, bruike ambitious styles, and be called gratious lords, is against the Word of God and speciall Scriptures underwrittin. But the office of bishoprick bringeth in all these, wherin they pride themselves against the Scriptures, Mat. ii. 3, 6; Lucke xxii. 15. And in verie deed experience proves, that these ambitious styles wherewith they are honoured by heralds, flattered by a great number, and scorned by farre moe, makes them (as the apostle speeketh of wedowes) to

grow wantoun against Christ, miskenning him, themselves, and their calling, to despise their equalls, and to presume over their superiours.

"*Argum.* 7.

"That the souldiour of Christ sould be involved in the affa[illegible] of this life, and ane bound to serve two maisters, is flatt repu[illegible] to the Word of God. But this office of bishoprick involveth [illegible] &c. *Ergo,* Num. iv. 3; 2 Tim. ii. 3, 4.

"It is evident by all these Scriptures, and a number mo[illegible]ch may be brought furth, that the office of these bishops is repug[illegible]ant and direct against the Word of God. As for episcopall corruptiouns, in usurping authoritie above the pastors of the kirk, and arrogating to them the governement of the kirk, which apperteaneth to the commoun care and counsell of the elders in assembleis and presbytereis, by the Word of God, becaus they darre not defend, I insist not to lay it out plainlie, but thinke it eneugh for the present to quote these places of Scripture, and fathers following, till we heare it brought in questioun.

"1 Tim. iv.; 1 Tim. iii. 1; Tit. i.; Acts xx.; 1 Cor. xii.; 1 Tim. v.; Rom. xii.; 1 Cor. v.; 1 Thess. v.; Heb. xiii.; Matt. v. and xviii.; Acts xv. and xxi.; Matt. xvi.; Ephes. iv.; 1 Pet. v.; Matt. xxiii.; Luke xxii.; Philem. i.; Joh. xx.; Acts xiv. 23. Tertull. Apologet. 39; Hieron. lib. ii. c. 3; Origines Hom. 7 in Josuam; Irenæus ad Victor. Cypr. lib. ii., epist., et lib. vi., epist., et ix.; Ambros. Serm. 11; Epiphanius contra Hæreses, Hæres. 75; August. de Cor. et Gratia, c. 5; Euseb. de Vita Constan., lib. iii.; Prosper. de Vitand. Corrup., lib. x.; Chrysost. de Sacerdot., &c.

"*Cap.* 2

"*That suche a Bishoprie is against the ancient canons of Kirk and Councels.*

"That the pastors and bishops of the kirk sould sett themselves

to politick administratioun and court effaires, and be occupyed in secular and worldlie maters, leaving their flockes, and follow the puffed up pompe and glorie of the world, is against the ancient canons of the kirk, namelie, these following; which, as epitomes of manie other to the like effect, we are content with for the present.

"Amongst these most ancient canons called the Apostles', the 80th canon is, 'Dicimus quod non opportet episcopum aut presbyterum, politicis se administrationibus immiscere, sed vacare, et commodum se exhibere usibus ecclesiasticis; animum igitur inducito hoc non facere, aut deponitor. Nemo enim potest duobus dominis servire.'

"Synod. Nicæna et Constant.—'Nemo clericus, vel diaconus, vel presbyter, propter causam suam, quamlibet intret in curiam, quoniam omnis curia a cruore dicta est. Et si quis clericus in curiam introeat, anathema suscipiat, nunquam rediens ad matrem ecclesiam.'

"Synod. Calcedon. Œcumenica Confes. 15 :—'Ne episcopi aut clerici rebus se politicis implicent, aut prædia aliena conducant.'

"Sexta Synod. Univers. Constant. can. 8 :—'Episcopis non competit ecclesiastica aut politica eminentia. Episcopus aut presbyter militiæ vacans, et volens utrumque principatum humanum et sacerdotalem dignitatem, deponitor. Nam quæ Cæsaris sunt, Cæsari, et quæ Dei, Deo sunt danda.'

"Ex epist. Concilii Africani ad Papam Cœlestinum :—'Ne fumosum typhum seculi in ecclesiam Christi, quæ lucem simplicitatis et humilitatis videre cupientibus, aufert videamur inducere.'

"Synod. Macrensis :—'Ne rex pontificis dignitatem, ne pontifex regium potestatem, sibi usurpare præsumat: sic actionibus propriis dignitatibusque a Deo distinguuntur, ut et Christiani reges pro æterna vita pontificibus indigerent, et pontifices pro temporalium rerum cursu regum dispositionibus uterentur, quatenus spiritualis actio a carnalibus distaret incursibus, et ideo, militans domino minime se negotiis secularibus implicaret; ac vicissim, ne ille rebus divinis præsidere videretur.'

"Synod. 4 Carthaginensis :—'Ut episcopus nullam rei familiaris

curam ad se revocet, sed ut lectioni, et orationi, et Verbi, tantummodo prædicationi vacet.'

"Synod. Romana :—'Universis clericis interdicimus, ne quis, prætextu ecclesiasticæ libertatis, suam de cætero jurisdictionem extendat in prejudicium justiciæ secularis; ut quæ sunt Cæsaris reddantur Cæsari, et quæ sunt Dei Deo.'

"In the end and conclusioun of this point, we would beseeche our brethrein who hunt for these bishopricks, and pretend muche for them antiquitie, to weygh the words of Damasus, one of the old bishops of the uncorrupt kirk of Rome, approved in the councell of Neocæsarea and Antiochia, *in anno* 371. Damasus et Concil. Neocæsar. et Antioch. *anno* 371 :—'Episcopi qui secularibus intenti curis, greges, chorepiscopis, vel vicariis commendant, videntur mihi meretricibus similes, quæ statim ut pariunt infantes suos, aliis meretricibus tradunt educandos, quo suam citius libidinem explere valeant. Sic et isti, infantes suos. 1. Populos sibi commissos aliis educandos tradunt, ut suas libidines expleant. 4. Pro suo libitu, secularibus curis inhient, et quod unicuique visum fuerit liberius, agant. Pro talibus enim animæ negliguntur, morbi crescunt, hæreses et schismata prodeunt, destruuntur ecclesiæ, sacerdotes vitiantur, et reliqua mala proveniunt: non taliter Dominus docuit, nec apostoli instituerunt, sed ipsi qui curam suscipiunt, ipsi peragant, et ipsi proprios manipulos Domino representent. Nam ipse ovem perditam diligenter quæsivit, ipse propriis humeris reportavit, nosque idipsum facere perdocuit. Si ipse pro ovibus tantam curam habuit, quid nos miseri dicturi sumus, qui pro ovibus nobis commissis, curam impendere negligimus, et aliis eas educandos tradimus. Audiant quæso quid beatus Jacob dixerit socero suo: 'Viginti annos fui tecum; oves tuæ et capræ steriles non fuerunt, arietes gregis tui non comedi, nec captum a bestia ostendi tibi: ego damnum omne reddebam, et quicquid furto perierat, a me exigebas: die, noctuque, æstu urgebar et gelu, fugebat somnus ab oculis meis.' Si ergo sic laborat, et vigilat, qui pascit oves Laban, quanto labori quantisque vigiliis debet intendere, qui pascit

oves Dei? Sed in his omnibus nos instruat, qui dedit pro ovibus suis animam.'

"Lett these bishops then in tyme byte upon this, who for one preaching made to the people, ryde fourtie posts to court; for a daye's attending on the flocke, spend moneths in court, counsell, parliament, and conventiouns; and for a thought or word bestowed for the weale of anie soule, cares an hundreth for their apparrell, their traine, fleshlie pleasure, and goucked gloriositie; or they sall be bittin eternallie with that worme that never deeth, when Christ sall come, and call them to a compt of their dispensatioun.

"*Cap.* 3.

"*That suche a Bishoprie is against the Doctrine of the Fathers and Doctors of the Kirks, ancient and moderne.*

"Their bookes are full of this mater, consonant to the holie Scripture, and ancient councells and canons of the kirk; onlie therefore a few testimonyis for exemple's sake.

"Tertull. de Idolatria, cap. 18:—'Si potestatem nullam ne in suos quidem exercuit Christus, quibus sordido ministerio functus est; si regem se fieri conscius sui regni refugit, plenissime dedit formam suis, de rejiciendo omni fastigio et suggestu tam dignitatis quam potestatis; quis enim magis his usus fuisset, quam Dei filius? Quales enim fasces producerent, quale aurum de capite radiaret, nisi gloriam seculi alienam, et sibi et suis indicasset.'

"Cyrillus in Joan. lib. 3, c. 20:—'Honor et gloria mundi fugienda sunt iis, qui velint gloriam Dei consequi.'

"Ambros. in 2 Tim. ii.:—'Ecclesiasticus idcirco Deo se probet, ut hinc devotus officium impleat. Quod spopondit in Dei rebus solicitus, a seculari negotio alienus. Non enim convenit unum, duplicem habere professionem.'

"Bernard. de Consideratione, ad Eugenium Papam, lib. 2, c. 4:—'Apostolis interdicitur dominatus. Ergo tu usurpare aude, aut dominus apostolatum aut apostolus dominatum. Si utrumque simul habere voles, perdes utrumque.'

"Idem:—'Non monstrabunt ubi quisquam apostolorum aliquando judex sederit hominum, aut divisor terminorum, aut distributor terrarum. Stetisse denique apostolos judicandos, sedisse judicantes non lego.'

"But to save the strip of this little treatise out of the great ocean of the ancients, leaving Gregorius Nazianzenus, Basilius, and Epiphanius, of the Greeke, and Hieronymus with Augustine, cheefe of the Latines, I will conclude with Gregorius the Great, Bishop of Rome, who at the first entrie of the hierarchie in the kirk, and of the tyrannie of the Antichrist, termes Johne of Constantinople his forerunner, becaus that he usurped presumptuouslie above the rest, taking to him the stile of Universall Bishop:—

"Gregorius ad Theotistam sororem. Imperatoris, de onere curæ pastoralis, lib. 8, Epist. 5:—'Miror quod in me collatas dudum continentias vestras ex hac moderna pastoralis officii continentia distraxistis, in qua sub colore episcopatus ad seculum sum reductus, in qua tantis terræ curis inservio, quantis me in vita laica nequaquam deseruisse reminiscor; alta enim quietis meæ gaudia perdidi, et intus corruens ascendisse exterius videor. Nam quis inter tot terrenas curas valeat Dei miracula prædicare, cum jam mihi difficile sit saltem recolere? pressus enim in hoc honore tumultu secularium negotiorum ex eis mihi esse videor de quibus est scriptum, Dejecisti eos dum allevarentur. Neque enim dixit, Dejecisti eos postquam allevati sunt, sed dum allevarentur. Quia pravi quique cum temporali honore suffulti, foris videntur surgere, intus cadunt. Allenatio ergo ipsa ruina est, ut quia dum gloria falso subnixi sunt, a gloria vera evacuantur. Hinc iterum dicit deficientes, ut fumus deficient; fumus, quippe ascendendo deficit, et sese dilatando evanescit. Hinc rursus scriptum est, Deus mi pene illos in rotam, quippe ex posteriore parte tollitur, et anterioribus cadit. Posteriora autem sunt nobis bona, præsentis mundi, quæ relinquimus; anteriora vero sunt æterna et permanentia, ad quæ vocamur Paulo attestante, qui ait, 'Quæ retro sunt oblitus, in ea quæ sunt priora, me extendens.' Mihi hæc difficilia sunt, quia et valde onerosa, et quod mens sponte non recipit, congrue non dis-

ponit. Ecce serenissimus dominus Imperator fieri simiam leonem jussit: et quidem provisione illius vocari leo potest, fieri autem leo, non potest.'

"So I end the testimoneis of the ancients with this saying of Cyprian, which I would we sould straitlie hold, and accuratelie defend, &c.

"Cyp. Lib. 1, epist. 8 :—'Adulterum est impium, est sacrilegum, est quodcunque humano furore instituitur, ut dispositio divina violetur.'

"Now we sall subjoyne a few of the most godlie, learned, and approved writters of the most cleere and lightsome age of the Gospell, becaus there are so manie just and full treatises heereanent.

"Joan. Calvin in Ep. 2, at Tim. ii. :—'Semper pastorem meminisse oportet veteris proverbii, 'Hoc age;' quod significat serio incumbendum, sacris ut studium ejus et intentionem nihil aliud impediat.'

"Pet. Martyr in Loc. com. class. 4, c. 13 :—'Distingui oportet has functiones, civilem et ecclesiasticum, quia utraque earum seorsum totum hominem requirit, imo, vix ullus unquam repertus est, qui alterutram recte obire posset, adeo est difficilis utraque provincia.'

"Theod. Beza, Ep. 79 :—'Sedet istud, mi Knoxe, te, cæterosque fratres velim meminisse, quod jam oculis pene ipsis obversatur. Sicut episcopi papatum pepererunt, ita pseudo-episcopos (papatas reliquias) epicureismum terris invecturos: hanc pestem caveant, qui salvum ecclesium cupiunt. Et cum illam in Scotia in tempore profligâris, ne quæso illam unquam admittas, quantumvis unitatis retinendæ specie (quæ veteres etiam optimos fefellit) blandiatur.'

"And of this opinioun cleerelie and fullie are the Frenche and Helvetian writters and kirks. As for the Germans, ye sall heare their judgements shortlie, out of one of their most godlie and learned writters.

"David Chytræus in Matt. xviii. :—'Non est autem regnum Christi politia, sicut regnum mundanum quod constituitur et sustinetur,

gradibus personarum, potentia, authoritate, ferendarum legum, armis et præsidiis, distinctis pœnis corporalibus, judiciis, ordinaria successione, &c.; sed est spirituale regnum, in quo non est visibile caput uni loco alligatum, et ordinaria successione constitutum, ad quod tota ecclesia alligata sit, sed unum ecclesiæ caput est Christus. Deinde etiam si in ecclesia sunt gradus personarum et donorum, &c.; tamen quod ad potentiam politicam imperandi, ferendi leges, cogendi, &c.; attinet omnes. Inter se sunt æquales, et quidem arithmetica æqualitate. Nec inter episcopos quod ad dominium et potestatem attinet, quisquam alio major est jure divino, ut Lucke xxii., 'Reges gentium dominantur iis, vos autem non sic.' Verus igitur et solus gubernator ecclesiæ est, ipse Christus, sive verbum Dei: hoc solo verbo regit Christus ecclesiam, non gradibus et potentia personarum. Ex hoc loco Matt. xviii., intelligi potest, quomodo regia pontificum et episcoporum dominatio, cum dominatio cum evangelio congruunt.'

"*Cap.* 4.

"*That suche a Bishoprie is against the Doctrine of the Kirk of Scotland preached these* 46 *yeeres.*

"The doctrine that the preachers of Scotland have beene teaching so manie yeeres, since the first reformatioun, yea, since the first light of the Gospell brake furth in this realme, was directed against all corruptiouns and abusses of the Roman Antichrist, and adulterous kirk of Rome. But so it is, that the bishoprie is one of the greatest errours and corruptiouns therof, and hath no arguments of Scripture, fathers, counsells, nor reasoun, but the selfsame that the Papists use. For probatioun wherof, read Bellarmine the arch-jesuit, 'Quæst. de capite ecclesiæ, et de membris,' and conferre his arguments for the Pope and his hierarchie, with Doctor Whitgift's against Mr Cartwright; and siclyke the rest that write on that head. Secundlie, lett the auditors yitt living of these notable preachers of the Kirk of Scotland glorifie God in this mater, and ceasse not, as they love the honour of Christ, and weale

of his kirk, so long as they are able to speeke, to give an evident and full testimonie what they have heard of Mr Knox, Mr Craig, Mr Willocks, Mr Goodman, Mr Lawsone, Mr Row, Mr Fergusone, Mr Arbuthnet, Mr Rollock, Mr Durie, Mr Davidsone, Mr Pont, and others most godlie, sincere, and learned men, who all joynned with their continuall powerfull doctrine from pulpit, their travells, yea, and sufferings, in dinging against that Popish corruptioun of bishops, till it was utterlie purged and expelled furth of the kirk; and who, now resting from their labours, yea, triumphing in the heavens, have left the true discipline and governement of the kirk and kingdom of Jesus Christ weill and firmelie established and sattled within our kirk, the confortable effect wherof hath beene wiselie and sincerelie injoyed unto these late dayes. And praised be the name of our God and Christ, there want not yitt successors both to their place and doctrine, able both by preaching and penning to mainteane, yea, by his grace, not onlie by imprissounment, povertie, contempt, and traducing of the world, but by their blood to seale up the truthe of the same. And last, the verie mouths of these now named bishops have beene seene and heard preache and professe this veritie; yitt, darre they preache or professe otherwise under paine of apostasie? Howbeit now, craftilie holding both court and kirk in hand, they are like so to proceed, that the part of Demas will plainlie kythe in the end.

"*Cap. 5.*

"*That this Bishoprie is against the Confession of Faith, called the King's Majestie's Confessioun, sworne and subscribed at two diverse times, viz., in anno* 1581, *when it was first published, and again, anno* 1590; *published with a generall band for the maintenance of true religioun, and his Majestie's estat and person, by his Majestie, his Queene, and Houshold, and all estates of the realme, &c.*

"The words of that Confessioun for this purpose are these: 'We abhorre and deteast all contrarie religioun and doctrine; cheefelie,

all kinde of papistrie in generall and particular, even as they are now damned and confuted by the Word of God and Kirk of Scotland; and speciall, the Pope's worldlie monarchie and wicked hierarchie, his crossing, anointing, &c. And finallie, we deteast all his vaine rites, signes, and traditions, brought into the kirk, without or against the Word of God and doctrine of this true reformed kirk; to the which we joyne our selves willinglie, in doctrine, faith, religioun, discipline, and use of the holie sacraments, as livelie members of the same in Christ our head: Promising and swearing by the great name of the Lord our God, that we sall continue in the obedience of the doctrine and discipline of this kirk, and sall defend the same according to our vocatioun and power all the dayes of our lives, under the paines conteaned in the law, and danger both of bodie and soule in the day of God's fearefull judgements.' And after a few lynes:—'Wee, therefore, willing to take away all suspicioun of hypocrisie and double dealing with God and his kirk, protest, and call the Searcher of all hearts to witnesse, that our mindes and hearts doe fullie agree with this our confessioun, promise, oath, and subscriptioun. So that we are not moved for anie worldlie respect, but are perswaded onlie in our consciences, through the knowledge and love of God's true religioun printed in our hearts by the Holie Spirit, as we sall answere to Him in the day when the secreets of all hearts sall be disclosed.'

"Then, if so be that the setting up of bishops will throw doun the discipline of our kirk, or if that office hath anie thing to doe with these corruptiouns of Papistrie and Antichristian hierarchie, the king our soveran, his most excellent and Christian Majestie, and his Hienesse' most ancient, religious, and noble estats of parliament, if there were no other reasoun but this one, would not for all the world fall under the danger of so horrible a perjurie against God, to sett up bishops again; yea, and if it were no more but respect of civill honestie, honour, and estimatioun before the world, they would not be inferiour to Herod in releeving the religioun of an oath, and great name of God interpouned, namelie, this Confessioun of Faith being putt in print twise within the realme by

speciall command and priviledge, and translated in all vulgar languages throughout Europe, yea, and at his Majestie's coronatioun in England, putt in Latine, and published a new again by that commoun post of the world in our age, Mercurius Gallobelgicus. But so it is, as all men know, that the discipline and governement of the kirk, exercised by presbytereis and by bishops, are so opposed one to another, that when the one is sett up, the other must doun of force. Therefore, the subscribers and swearers of the former Confessioun, if they sould (as God forbid) be about to sett up bishops and episcopall governement, they could not eshew the cryme of horrible perjurie, execrable apostasie, and most cursed repairing again of Jericho; from the which the Lord preserve his most excellent Majestie and honourable estats of this present parliament. And if anie man doubteth what was the discipline of the Kirk of Scotland at the first subscribing and swearing of that Confessioun, lett them seeke the Register of the Generall Assemblie holdin at Glasgow, to the which it was presented, together with a plattforme of the whole presbytereis to be established throughout the realme by the Laird of Caprintoun, commissioner from his Majestie to the said Assemblie, in the yeere of God 1581, they sall find that the bishopreis were whollie abolished in the Assemblie holdin at Dundie, the yeere immediatlie preceeding. So that, without all questioun, it is meant of the discipline exercised by presbytereis, synods, and Generall Assembleis, directlie oppouned to the corruptioun and tyrannie of bishops, as was cleerelie defynned and ratified in parliament, after the secund subscribing a new again of the said Confessioun in the yeere 1592. In end, seing these same men who now would be bishops have once or twise sworne and subscribed this Confessioun, it mervelleth me with what forehead they can be about a purpose so quyte contrarie thereto.

"*Cap.* 6.

"*That this office of Bishoprie is against the constitutions of the Kirk of Scotland in her Assembleis.*

"Maister Knox, following the light of holie Scripture and the advice of Theodore Beza, as he had preached continuallie, so immediatlie before his departure he wrote to the Generall Assemblie conveenned at Stirline in the yeere 1571, in these words: 'Unfaithfull and tratours to the flockes sall yee be before the Lord Jesus, if that with your consent, directlie or indirectlie, yee suffer unworthie men to be thrust in within the ministrie of the kirk under what pretence that ever it be. Remember the Judge before whom yee must make an accompt, and resist that tyrannie as yee would avoide hell's fire.' And this letter is registred in the acts of the said Assemblie.

"In the Generall Assemblie conveenned at Edinburgh in Marche 1572, Mr Johne Spotswod, Superintendent of Lothiane, gave in this article:—'It is nather agreable to the Word of God nor practise of the primitive kirk, that the spirituall administratioun of the Word and sacraments, and the ministration of the civill and criminall justice, sould be so confounded, that one person may occupie both the cures.' Wherefore the whole Assemblie refused the Erle of Morton, then regent, his desire, to make ministers sessioners in the Colledge of Justice. From that Assemblie unto the Assemblie holdin at Dundie, 1580, the corruptioun of the bishoprie was more and more espyed, untill the tyme the whole Assemblie being rypelie advised and finallie resolved, all in one voice yeelded as followeth:—'Forasmuche as the office of a bishop, as it is now used and commounlie taikin within this realme, hath no warrant, authoritie, nor ground in the Word of God, but is brought in by the follie and corruptioun of man's inventioun, to the great overthrow of the Kirk of God, the whole Assemblie in one voice, after libertie givin to all men to reasoun in the mater, none opponing

himself in defending the said pretended office, finds and declairs the same pretended office, used and termed as is above said, unlawfull in it self, as having nather fundament, ground, nor warrant, in the Scriptures of God; and ordeanes, that all suche persons as bruike or sall bruike heerafter the said office, sall be charged simplie to dimitt, quite, and leave off the same, as an office whereunto they are not called by God. And siclyke, to desist and ceasse from all preaching of the Word, ministratioun of the sacraments, or using anie way the office of pastors, whill they receave *de novo* admissioun from the Generall Assemblie, under the paine of excommunicatioun to be used against them. Wherin, if they be found disobedient, or contraveene this act in anie point, the sentence of excommunicatioun, after due admonitiouns, to be executed against them.' The yeere following, 1581, a forme of establishing presbytereis throughout all the shyres of the realme was sent from his Majestie to the Generall Assemblie conveenned at Glasgow, and commissioners both from his Majestie and the Generall Assemblie nominated and ordeanned to plant presbytereis in all parts convenient. The which being done, not onlie ceassed all ruling of bishops, but also in the Generall Assemblie at Edinburgh, in August 1590, all commissioners from Generall Assembleis appointed for visitatioun of provinces, were ordeanned to ceasse where presbytereis were planted, to roote out all danger of tyrannie and authoritie of sole governement within the kirk; and that becaus they perceaved that sort of sole governement to be against the Word of God, and that Jesus Christ had ordeanned his kirk to be ruled by the commoun care and councell of his lawfullie called pastors, doctors, elders, and deacouns, in their meetings and assembleis. And where some that know not may thinke that these Generall Assembleis, at which the king's Majestie was present, holdin since the 17th day of December 1596, hath altered these constitutiouns, there is no suche thing. Therefore, leaving off how maters proceeded since that tyme, as knowne to the whole realme, I will onelie sett doun out of the Register of the kirk what was done.

"The Generall Assemblie holdin at Dundie, March 1597, Sess.

11, 'The Generall Assemblie votes, finds, and concluds, that it is necessarie and expedient for the weale of the kirk, that the ministers, as the thrid estate of the realme, in name of the kirk, have vote in parliament.' Sess. 12, 'Concerning the number of the ministers that sould have vote in parliament in name of the kirk, it was likewise concluded and thought expedient, that als manie of them sould be chosin for the vote in parliament, as were wount of old in tyme of the papisticall kirk to be bishops, abbots, and pryours, that had the like libertie, viz., to the number of fiftie-one or thereby.' *Item*, After reasoning, it was voted and concluded, that the electioun of suche of the ministrie as sould have vote in parliament ought to be of a mixed qualitie, and apperteaneth partlie to his Majestie, and partlie to the kirk.

"In the Generall Assemblie at Montrose, 1600, in Marche, Sess. 6, 'Concerning the maner of choosing of him that sall have vote in parliament in name of the kirk, it is condescended upon, that he sall be first recommended by the kirk to his Majestie, and that the kirk sall nominat six for everie place that hath need to be filled, of whom his Majestie sall choose one whom he best likes; and his Majestie promises, obliges, and binds himself, to choose none other but one of that number. And incace his Majestie refuse the whole, upon a just reason of insufficiencie, or greater sufficiencie of others that are not recommended, the Assemblie sall make a new recommendatioun of men, according to the first number. Of the which, one by his Majestie sall be chosin, without anie further refusall or new nominatioun. And he that sall be chosin by his Majestie sall be admitted by the synods. It is concluded, that the Generall Assemblie sall have the nominatioun or recommendatioun of him that in name of the kirk sall vote in parliament, who sall take the advice of the synods and presbytereis theranent, directed from them in writt. And the synods sall have libertie to nominat, als weill within the province as without, providing that if there be a man within the province meete for the place, *cæteris paribus*, he be preferred to anie other. Anent his rent, it is advised with one consent, that the kirks being planted sufficientlie, the colledges and schooles alreadie erected not pre-

judged, that the king sall provide him to all the rest, that may be obteanned of that benefice where he is preferred."

THE CAUTIONS.

"As to the cautions to keepe him that sall have vote in parliament from corruption, they be these following:—

"1. That he presume not at anie tyme to propone at parliament, counsell, or conventioun, anie thing in name of the kirk, without an expresse warrant and directioun of the kirk, under the paine of depositioun from his office. Nather sall he consent or keepe silence in anie of the said conventiouns, to anie thing that may be prejudiciall to the weale and libertie of the kirk, under the said paine.

"2. He sall be bound at everie Generall Assemblie to give an accompt anent the discharge of his commissioun since the Assemblie going before; and sall submitt himself to their censure, and stand to their determinatioun whatsoever, without appellatioun; and seeke and obteane ratificatioun of his doings at the said Assemblie, under the paine of infamie and excommunicatioun.

"3. He sall content himself with that part of the benefice which sall be givin to him by his Majestie for his living, not hurting or prejudging the rest of the ministers of the kirk within his benefice, planted or to be planted, or anie other minister of the countrie whatsoever. And this clause to be insert in his provisioun.

"4. He sall not delapidat in anie way, nather sett nor make dispositioun, without the speciall advice and consent of his Majestie and Generall Assemblie. And for the greater warrant therof, he sall interdict himself not to dilapidat his benefice, nor consent to delapidatioun therof, made by others to the Generall Assemblie, and sall be content that inhibitions be raised on him to that effect.

"5. He sall be bound faithfullie to attend upon his owne particular congregatioun where he sall be minister, in all the points of a pastor; and heeranent, sall be subject to the tryell and censure of his owne presbyterie and provinciall assemblie, as anie other minister that beares not commissioun.

"6. In the administratioun of discipline, collatioun of benefices,

visitatioun, and all other points of ecclesiasticall governement, he sall nather usurpe nor acclame to himself anie power or jurisdictioun, farther than anie other of the rest of his brethrein, except he be employed by his brether, under the paine of deprivatioun. And incace he usurpe anie part of the ecclesiasticall governement, and the presbytereis, Synodall or Generall Assembleis oppone and make anie impediment thereto, whatsoever he doe after that impediment, to be null *ipso facto*, without anie declaratorie.

"7. In presbytereis, provinciall and Generall Assembleis, he sall behave himself in all things, and be subject to their censuring, as anie of the brethrein of the presbyterie.

"8. At his admissioun to his office of commissionarie, these and no other points necessarie, he sall sweare to subscribe and *fulfill*, under the penalteis foresaid, and otherwise not to be admitted.

"9. And incace he be deposed by the Generall Assemblie, synod, or presbyterie, from his office of the ministrie, he sall also tyne his vote in parliament *ipso facto*, and his benefice sall vaike.

"And further cautions to be made, as the kirk pleaseth and findeth occasioun.

"Anent his name, that for the kirk sould vote in parliament, it is advised by uniforme consent of the whole brethrein, that he sall be called Commissioner of suche a place.

"It is also statuted and ordeaned, that none of them that sall have vote in parliament sall come as commissioners to anie Generall Assemblie, nor have vote in the same in anie tyme comming, except he be authorized with a commissioun from his owne presbyterie to that effect.

"It is moreover found by the Assemblie, that *crimen ambitus* sall be a sufficient caus of deprivation of him that sall have vote in parliament.

Sess. 8. "The Generall Assemblie having reasouned at lenth the questioun, anent his commissioun who sall have vote in parliament, whether he should endure for his lyfetyme, except some crime or offence interveene, or for shorter tyme, at the pleasure of the kirk, finds and decernes, that he sall *annuatim* give a compt of

his commissioun obteanned from the Assemblie, and lay doun the same at their feete, to be continued or altered therefra by his Majestie and the Assemblie, as the Assemblie, with consent of his Majestie, sall thinke expedient to the weale of the kirk. Whose whole conclusiouns being read in audience of the whole Assemblie, and they being rypelie advised therewith, ratified, allowed, and approved the same, and thought expedient that the said cautions, together with suche others as sall be concluded upon by the Assemblie, sall be insert in the bodie of the act of parliament that is to be made, for confirmation of vote in parliament, to the kirk, as most necessarie and susbtantiall parts of the same.

"Then breeflie to assume and conclude: But so it is, that these new Lord Bishops, nather in the entrie to their office, nor yitt in their behaviour therin hitherto, have keeped one jote of these constitutiouns and cautiouns, but have brokin all. Therefore suche rowmes and offices sould not be confirmed to them in this present parliament.

"*Cap.* 7.

"*That the office of Bishoprie is against the lawes of this realme.*

"Our soverane, the king's most excellent Majestie, came into the world, and entered to his kingdom of this realme, with the cleere light of the gospell, and the establishing of a reformed kirk; and, therefore, as a most godlie and Christian prince, hath in all his parliaments confirmed, ratified, and approved the freedom and libertie of the true kirk of God, and religioun publictlie professed within his Majestie's realme; as in his first parliament, holdin by his Majestie's good regent, the Erle of Murrey; likewise in his Hienesse' secund, holdin by his grandfather the Erle of Lennox. The same is ratified in the first act of his first parliament, holdin after the taking of the governement in his Hienesse' owne persoun. Also, in the first of his sixt parliament, holdin at Edinburgh, the 20th of October 1579. 'Our soverane lord, with advice and consent of his three estats, and whole bodie of this present parliament, ratifieth and

approveth all and whatsoever acts and statuts made of before by his Hienesse, with advice of his regents, in his owne raigne, or his predecessors, anent the libertie and freedom of the true kirk of God, and religioun now presentlie professed within this realme. And speciallie,' &c.

"The secund act of the same sixt parliament is expresslie for the jurisdiction of the kirk, which is there said to consist and stand in the preaching of Jesus Christ, correctioun of maners, and administratioun of the holie sacraments; and declares, that there is no other face of a kirk, nor other face of religioun, than is presentlie, by the favour of God, established within this realme; and that there be no other jurisdictioun ecclesiasticall acknowledged within this realme, other than that which is and sall be within the same kirk, or that which floweth therefra concerning the premisses.

"And in his Majestie's seventh parliament at Edinburgh, October 1581, in the first act, there is a generall ratificatioun of the libertie of the true kirk of God, and confirmatioun of all the acts and lawes made to that effect before, by particular rehearsall and catalogue; and amongst the rest, 'The ratificatioun of the libertie of the true kirk of God and religioun,' and anent the jurisdictioun of the kirk of God, twise. And after the king's perfyte age of twentie-one yeeres, in the elleventh parliament at Edinburgh, Julie 1587, there is a cleere and full ratificatioun of all lawes made anent the libertie of the kirk.

"Now, if anie will say, What are all these acts against the bishops? I say, direct, for whatsoever is for the ministers, presbytereis, and assembleis, is against the bishops. But so it is, that all these acts are for them; becaus, as we have shewed, the doctrine and constitutions of the ministers and assembleis hath beene, ever since the reformatioun, against the corruptiouns of bishops, and that is the freedom, libertie, and discipline of the kirk, which is confirmed. For verificatioun wherof, we alledge, first, the Confessioun of Faith, confirmed by parliament, and registred among the acts therof, wherin the nynteenth article anent the notes of the true kirk, yee have last, 'Ecclesiasticall discipline uprightlie minis-

tred, as God's Word prescribed.' But so it is, that out of the Word, the doctrine of the ministers hath beene against the bishops, as also the discipline sett doun in the Generall Assembleis. Nixt, that first act of his Majestie's sixt parliament, 'Our soverane lord, with advice of his three estats, and whole bodie of this present parliament, hath declared and declareth, the ministers of the blessed Evangell of Jesus Christ, whom God of his mercie has now raised up among us, &c., to be the true and holie kirk.' Thridlie, that goldin act, which cleerelie crowneth and formallie concludeth the caus, viz., the first act of the 12 parliament of King James the Sixt, at Edinburgh, Junij 1592, entitulated, 'Ratificatioun of the libertie of the true kirk, of generall and synodall assembleis, of the presbytereis, of discipline,' which speeketh this plainlie in the end, '*Item*, Our soverane lord, and estates in parliament foresaid, abrogateth, casseth, and annulleth the act of parliament made *in anno* 1584, granting commissioun o B, and other judges constituted in ecclesiasticall causes, to receave his Hienesse' presentatioun to benefices, and give collatioun therupon, and putt order in all causes ecclesiasticall; which his Majestie and estates foresaid declare to be expired in it self, and to be null in tyme comming, and of none availe, force, nor effect: And therefore ordeanes all presentatiouns of benefices to be directed to particular presbytereis in all tyme comming, with full power to give collatioun therupon, and to putt order to all maters and causes ecclesiasticall within their bounds, according to the discipline of the kirk.'

"And finallie, the act of annexatioun of the temporalitie of the benefices to the crowne, of necessitie demolishes and beateth doun all the bishops. James VI. Parl. 12, cap. 29.

"*Cap.* 8.

"*That they are against the honour of God and his Christ.*

"The standing for the maintenance of the kingdom of God, and whom he has anointed his King upon his holie mountaine, the Lord Jesus Christ, is to their honour; like as to slyde from it, and

leave it to follow after the world, is against the honour of God and Christ. To heare the Word of God, and to doe it, is the speciall honouring of God, and of that great pastor of the sheepe, the Lord Jesus Christ; as by the contrare, the rejecting of his Word, and casting it off behind their backe, is his dishonour. And finallie, to build and plant with God, is to honour him; so, to cast doun and roote out that which, by the ministrie of his notable servants, he has builded and planted, is to his high dishonour. But so it is, as I have verified and shewed, that bishopricks make men to slide away from his Word, and cast it behind their backe; and finallie, to cast doun and roote out that which Christ's faithfull servants have bigged and planted, even that sinceritie of the gospell, and freedom of the Kirk of Christ, brought to suche perfectioun, and so weill established, and left unto us by them; and so, with the scribes and Pharisees, to seeke the glorie of men rather than of God, and to seeke honour one of another, and not to honour Christ, nor to seeke to be acceptable unto him.

"And is it not, alas! a horrible dishonouring of God, and the preaching of his blessed veritie, to flatter men, and anoint their filthie flesh with earthlie honour, wealth, and sensualitie, to make Christ's holie ministers to be loathed, slandered, and evill spokin of? And as the Lord rebooked Eli the preest, and his sonnes, whose sinnes were great before the Lord, in making men to abhorre the Lord's ministers and offerings, therefore, the Lord threatned him by Samuel, saying, 'Wherefore have yee kicked against my sacrifice and my offerings, which I commanded in my tabernacle, and honours your children above me, to make your selves fatt of the first fruicts of all the offerings of my people Israel?' Wherefore the Lord God of Israel sayeth, 'I said, thy hous, and the hous of thy fathers, sould walke before me for ever. But now, the Lord sayeth, it sall not be so; for they that honour me, I will honour, and they that despise me, sall be despised.' 'And now, O yee preests, (cryed Malachie,) this commandement is for you: if yee will not heare it, nor consider it in your heart, to give glorie unto my name, I will even send a curse upon you, and will curse your

blessings, yea, I have cursed them alreadie, becaus yee doe not consider it in your hearts. Behold, I will corrupt your seed, and cast doung upon your faces, even the doung of your solemne feasts, and yee sall be like unto it; and yee sall know that I have sent this commandement unto you, that my covenant which I have made with Levi might stand, sayeth the Lord of Hosts. My covenant was with him of life, and peace, and equitie, and he did turne manie away from iniquitie; for the preest's lippes sould preserve knowledge, and they sould seeke the law at his mouth, for he is the messinger of the Lord of Hosts. But yee are gone out of the way, yee have caused manie to fall by the law, yee have brokin the covenant of Levi, sayeth the Lord of Hosts; therefore, I have also made you to be despised and vile before all the people, becaus yee keepe not my wayes.'

"*Cap.* 9.

"*That this Bishoprie is against the honour and weale of the King's Majestie.*

"Is it not the king's weale and honour to honour God, to love, feare, and obey him, to be wise and learned; to serve God in feare, and rejoice in trembling; to kisse the Sonne, least he be angrie; to be a nursefather to the kirk; to be an avenger of all breakers of God's holie law, and misorders against his manifest Word and truthe; and, in a word, to raigne in Christ, by Christ, and with Christ? And is it not against his honour and weale, to draw him from the same? Is it not the weale and honour of his Majestie, to hold himself in the favour of God, and that reverent love and good estimatioun of all that feare God unfainedlie, and love the Lord Jesus Christ, by holding fast that profession of the sinceritie of the Gospell, in doctrine and discipline, wherof his Hienesse and kingdom in this yland, namelie, have found profite and confort, that all the godlie this day triumph in, all the wicked invy? Europ is astonished with admiratioun, at that unioun of these kingdoms under one God and Christ, one king, one faith, one law; and under

his Majestie's advanced and highlie lifted up throne, farre above all kings' throns in Christendome, in this respect, and for this caus, namelie, that his Hienesse was borne and entered to raigne at the light and sinceritie of the Gospell, hath raigned so long, so happilie, so peaceablie, with the same; and he and his posteritie, in hope and good appearance, holding fast the same, to raigne most blessedlie even to that appearance of Christ, the King of kings, from the heavens. Is it not his Majestie's weale and honour, to stand fast to that Confessioun of Faith, sworne and subscribed by his Hienesse, for good exemple to his houshold, estats, and all his subjects, extant in all languages, affixed, as it were, upon the most high pillar in the great theater of Europ, testifeing and proclaiming to all, his Majestie's pietie, sinceritie, and zeale to the Gospell of Christ and his kingdome, against all corruptioun and thraldome of the Antichrist of Rome, and against his weale and honour that leadeth him to the contrarie? Is it not the weale and honour of his royall Majestie, to have all the hearts of the most sincere Protestants, and professors of the holie Evangell, not onlie throughout Great Britaine, but also France, Germanie, Switzerland, and Sweden, to be, as it were, the heart of one man; to wair all their blood for his Majestie's safetie in persoun, encreasse in honour, and stabilitie in estat, be holding fast unaltered or mixed the sincere simplicitie of the Gospell and doctrine, sacraments, and discipline, which they have so long professed with his Majestie, and against the which, what cursed force or bussinesse was ever able to prevaile, unto this houre? And, finallie, is it not his Majestie's weale and honour, to be safe and free from the falshood, flatterie, and crueltie of ambitious avarice, which hath brought manie notable emperours, kings, and princes, to tragicall ends, corrupted sincere kirks, and overthrowne floorishing commoun wealths? And, verilie, this venome and poysoun of humane bishops, degenerating into satanicall, hath filled the ecclesiasticall and civill historeis full of suche effects: the smallest haire of root and pickle of seed is, therefore, to be fanned away, and plucked out of all kirks, kingdoms, and commoun wealthes. This, the godlie wisdome, quicke-

nesse of witt, prudencie, and sagacitie of the king, who is as an angell of God, can weill marke, and take up afarre, both to beware of it where he hath found it, and can not weill amend it, and not to permitt to creepe into the feild, so carefullie and cleane purged therefrom.

"Thus, passing over the impairing of the king's patrimonie, and manie moe things against his Hienesse' weale and honour for breviteis sake, I end this point, not doubting but his Majestie is alwise mindefull of that declaratioun so cleerelie, godlie, and eloquentlie penned, and subscribed by his Hienesse' owne hands, at his Majestie's parliament holdin at Linlithquo, in December 1585. The conclusioun wherof is most worthie of remembrance at this tyme, for that by forgetting that these who seeke episcopall dignitie, seeke the hurt and dishonour of his most renownned Majestie: 'Then shortlie to end this my declaratioun, I minde not to cutt away anie libertie granted by God to his kirk. I acclame not my self to be judge of doctrine in religioun, salvatioun, hereseis, or true interpretatioun of Scripture,' &c. And in end—'My intentioun is not to meddle with excommunicatioun, nather acclame I to my self or my heires power in anie thing that is mere ecclesiasticall; nather to meddle in anie, that God's Word hath simplie devolved in the hands of the kirk. And, to conclude, I confesse and acknowledge Christ Jesus to be Head and Lawgiver to the same; and whatsoever persons doe attribute to themselves, as head of the kirk, and not as members, to suspend or alter anie thing that the Word of God hath onelie remitted to his kirk, that man, I say, committs manifest idolatrie, and sinnes against the Father, in not trusting the words of his Sonne; against the Sonne, in not obeying him, and taking his place; and against the Holie Ghost, the said Holie Spirit bearing contrarie record to his conscience.'

"Certanelie, thus honouring God and Jesus Christ, his Hienesse sall be weill and honourable, according to that promise, 'I will honour him that honours me.'

"*Cap.* 10.

"*That this Bishoprie is against the honour and weale of the realme.*

"Wherin hath stood thy honour and weale, O Scotland! these 46 yeeres and above? Was it not, in the judgement of all that judgeth rightlie, in the sinceritie of the Gospell, and freedom of Jesus Christ's kingdom established so notablie within thee, with so small blood and trouble? Since that Gospell of peace came within thee, thou has had no forraine wars, and all commotiouns within thy self have beene easilie settled, God being in the middest of thee, and bringing evident judgements upon all that lifted their head, or moved their tongue against his kirk. And sall thou become so foolish and bewitched, as not to hold fast that veritie, having had Christ so cleerelie painted furth before thy eyes, as if thou, with the same, had seene him crucified? Sall thou, with these foolish Galatians, beginne in the Spirit, and end in the flesh? Will thou follow them of whom the apostle weeping, doeth write, that 'they are enemeis to the crosse; whose end is destructioun, (or damnatioun,) whose God is their bellie, whose glorie is their shame;' earthlie-minded men, who seeke not the glorie of Christ, nor safetie of the soules of thy people, but to be thy guiders and misguide thee, to be thy conductors and seduce thee; to make thee to sinne against God after the maner of the goldin calves at Dan and Bethel, that so the Lord may be incensed, and cast thee away from his face? They seeke glorie amongst men, and one of another, and so, nather can beleeve and trust in Christ themselves, nor make thee doe it and be safe. Surelie, for wealth and honour worldlie, thou was never comparable to other natiouns. But the Evangell planted in thee, was that crowne of thy glorie that decored thy head, and sett it up above all realmes and kingdoms upon the face of the earth.

"Hearken, deere mother, what the Lord said unto his people Israel of old, and take it now to be spokin to thee: 'Aske from the tymes of old that have beene before thee, even from that day that God

created man upon the earth, from the one end of the heaven unto the other, if there was done suche a thing as this is, or if there hath beene heard the like of it; if anie God hath assayed to come and take unto him a natioun out of the middest of another natioun, with prooffes, and signes, and wonders, with war-strong hand and stretched out 'arme; finallie, with most great terrours, according to all that Jehovah hath done for you, even your God, to bring you out of the land of Egypt? What nation is lyke thy people Israel in all the earth, which for to be a people went to redeeme, and hath gone to gett himself a name, and to worke these great things, and mightie reverentlie to be admired, expelling from the face of thy people, whom thou redeemed to thee out of Egypt, the nations and their gods. For thou hast established thy people Israel, that it may be a people unto thee for ever, and thou, Jehovah, their God: Who telleth his word to Jacob, his statutes and lawes to Israel. He hath not done so to anie natioun: therefore they know not these lawes. Praise yee the Lord.' (Deut. iv.; 2 Sam. vii. 23, 24; Psalm cxlvii.)

"Was not Papistrie thy Egypt, Scotland, and did not the Lord deliver thee out of it; and saving thee from that tyrannie and thraldome, brought thee unto a pleasant Canaan of his Gospell, to serve him in spirit and truthe, and that in suche a maner and forme, as the like was never heard nor seene? And no lesse miraculouslie has he made thee to dwell therin, so long, so safelie, so freelie. And sall thou then goe, and make to thee other captans by Moses and Aaron, yea, contemning them, thy lawfull preests and Levits, to leade thee backe again into Egypt? God forbid! But so it is, (deere native countrie,) your Seers see, and your watchemen give you a faithfull wairning, crying to you, that the episcopall hierarchie is verie Papistrie and spirituall Egypt, howbeit by the policie of men otherwise busked, attired, and dressed, to take the foolish and simple with all. It is no other thing in the substance therof, taikin from the last and grossest doing of Antichrist; making the kingdom of Christ to be of this world; turning the spirituall worshipping of God in outward toyes and ceremoneis;

bringing the pompe of the world into the simple and humble kirk; yea, corrupting the fountaines of the waters of life, and empoysoning the food of the soules, to worke dangerous sickenesses, and deadlie diseases, amongst thy sonnes and daughters. The whole pulpits have sounded unto you so manie yeeres, and yitt continue to sound, where they are not emptied or terrified by their tyrannie. Admitting that bishoprie again, lost is your honour, wracked is your wealefare, and gone is your grace and garland of heavenlie and spirituall glorie for ever. Forgett not the first essay of their good service in parliament to God, the kirk, and commoun wealth, in giving their votes and suffrages to the seventeene erectiouns of the prelaceis and livings of the kirk in temporall lordships, to attaine thritteene romiged and dilapidated bishopricks, as was reported and compleaned upon to the king's Majestie and his counsell, at Hampton Court, 1606.

"*Cap.* 11.

"*That Bishoprie is against the constitution and settled estat of the kirk and kingdom, and so most dangerous.*

"It is an axiome approved in experience and policie, 'Quod omnis mutatio reipublicæ est periculosa, etiamsi in melius:' how muche more *in deterius?* The reasoun then holdeth thus: All dangerous doings for the estat and commoun wealth are to be eschewed. But change is dangerous, namelie, from suche an estat which is conforme to the Word of God, good lawes, and constitutiouns, the judgement of the holiest and best learned ancient and moderne, the best estat of the primitive kirk, and best reformed kirks from corruptioun of Papistrie, to an estat plaine contrarie; and so most perverse and pernicious. For lett lawyers and politiques reasoun and judge the civill part for the estat of the kingdom, we darre boldlie conclude, as we have evidentlie proved, that it is pernicious for the kirk of Jesus Christ. And that which is pernicious thereto, can never stand with the good estat of a Christian kingdome and godlie commoun wealth. It is so cleere

in the historeis and miserable experience of these last ages of the world, that it needeth no probatioun, being acknowledged and affirmed by all Protestants, that the Popish hierarchie, and usurpatioun of both the swords, hath brought the Roman empyre, and all kingdoms and commoun wealths in Europ that have not resisted the same, to abominable and most filthie servitude and slaverie in their goods, bodeis, and soules. And these who have cast off the yoke of that boundage, and resisted therunto, have beene involved in bloodie battells, and had great feare and adoe to keepe them safe from the most craftie and cruell practises of that pestilent throne of kirk ambitioun and avarice. And sall the dregs, or rather sprowttings therof, be brought in again into Scotland? Sall these siplings and sprowttings be taikin up, and sett with guiding again in the Lord's vineyard, to grow up to seede, to shake and overgrow the same? Or sall these dregges be cast in a limbique, and suche aquavitie to be drawne therof, as will make the braines of all giddie that taste therof? Sall these cockatrice egges be hatched in our kingdom of new, wherof all kings, kingdoms, and estats, that have eatin therof are dead in sinne, and spirituall and temporall slaverie, and suche as have beene sparked[1] therewith, doe cry as if they were stung with a viper? The Lord save our kirk, kingdom, and king, from suche sparkes!

"We have produced before, the lawes of our kingdom, the constitutiouns of our kirk, the doctrine and confessioun therof, wherunto all the members, both of kirk and commoun weale, and kingdom, have solemnelie sworne and subscribed, and which hath beene professed, established, and stood in our kirk and kingdom almost now an whole jubilee of yeeres. To all the which this bishoprie, this usurpatioun of both offices, civill and ecclesiasticall, the temporall lordship, the earthlie dominioun, the worldlie vaine pompe, and the most dangerous invasioun of governing both court and kirk, is most repugnant. And yitt, notwithstanding, the walls of our Troy, which were builded by the finger of God, must be demolished; and we, with our owne hands, hale in that devilish

[1] Sprinkled.

Grecian hors within the Lord's citie, to sett it all on fire. O mad follie! O terrible judgement, for the contempt of the Gospell, and fruictlesse abuse of the freedom therof, so long, so liberallie, and so gloriouslie bestowed on Scotland!

"*Cap.* 12.

"*This Bishoprie is against the honour and weale of the Noble Estats of Parliament.*

"The honour and weale of the noble estats of parliament, namelie, since the light of the Gospell shynned in our darke natioun, was, to have the Kirk of God, and libertie of this most ancient kingdom in speciall; carefull regard to make good lawes in favour of the same, and to see them have life and vigour by due executioun; and for that effect, to have a solemne and free advice and vote, without the which nothing sould passe and be effectuall, by anie convoy, plott, or practise whatsoever. But sett me up these bishops once, (called long since the prince's led-horse,) things, if they were never so unlawfull, unjust, ungodlie, and pernicious to kirk and realme, if they sall be borne furth by the countenance, authoritie, care, and endeavoure of the king, (supposing suche a one as, God forbid, come in the roome of our most renowned soverane; for as to the best have often tymes succeeded the worst,) they sall be caried through by his bishops, sett up and interteanned by him for that effect; and the rest of the estats not onlie be indeid as cyphers, but also beare the blame therof, to their great evill and dishonour.

"And if one will aske, How sall these bishops be more subject to be caried after the appetite of an evill prince than the rest of the estats? the answere and reasoun is, becaus they have their lordship and living, their honour and estimatioun, profite and commoditie of the king, by others. The king may sett them up and cast them doun, give them and take from them, putt them in and out at his pleasure. And, therefore, they must be at his directioun, to doe what liketh him; and in a word, he may doe with them by

law, becaus they are sett up against law. But with other estats he cannot doe so, they having ather heritable standing in their roomes by the fundamentall lawes, or then, but the commissioun from the estat that sent them, as from the burgesses or barons.

"Again, if one would say, howbeit the bishops and all the spirituall estate were corrupted, yitt there be two or three estats beside: We answere, first, there is a great number of the other estats, wherof it is easie to make choice of some, that for certane commoditie and advancement of their estat and maters may be easilie corrupted. Nixt, deprave me once the ecclesiasticall estat, which hath the gift of knowledge and learning by others, and are supposed becaus they sould be of best conscience, that so they are, the rest will easilie be miscaried; and that so muche the more, that the officers of estat, lords of sessioun, judges, lawyers, that have their offices of the king, are commounlie framed after the court's affectioun. Yea, lett chanceller, secretarie, treasurer, president, comptroller, and others that now are, take heed that these new prelats of the kirk, als covetous and ambitious as ever they were of old, insinuating themselves by flatterie and obsequence in the prince's favour, attaine to the bearing of all these offices of estat and crowne, and to the exercising therof, als craftilie, avaritiouslie, proudlie, and cruellie, as ever the Papisticall prelats did. For as the holiest, best, and wisest angels of light, being depraved, became most wicked, craftie, and cruell devills, so the learnedest and best pastor, perverted and poysouned by that old serpent with avarice and ambitioun, becomes the falsest, worst, and most cruell man, as experience in all ages hath proved. A farther consideratioun of this point also we leave to the lawyers, politiques, and statesmen.

"*Cap.* 13.

"*That this Bishoprie is against the weale of all Scotishmen, in soule, bodie, and goods,*

"Howbeit that this be cleere eneugh of all that hath beene spokin in the chapters preceeding, yitt, particularizing the same,

we will make it more cleere. We call them good Scotish men, that have a true sense of the honour of God, love of their Christ, care of the sinceritie of the gospell, and libertie of his kirk; a feeling of the need of their soules, an hunger and thrist for righteousnesse, and that word of life which is the food therof; and therewith all a love of their native countrie, of the freedom and weale of the same. Now, this bishoprie sall ather take away all true religioun and sinceritie of the gospell, or then the fruictfull use therof, for the feeding and confort of soules. For if there arise a Popish or profane prince, they must alter with him, and please and obey him, or tyne their places, their honours, their riches; the which they will not doe, becaus they have alreadie givin their consciences, honestie, truthe, and credit before God and man, as a price for these things of the world. All their care and travell must be to keepe their court, please the king, acquire and conserve more plentie of goods, honour, and pleasures. And they being thus sett and givin, their inferiour ministers for the most part will follow their fashiouns. So there sall be nothing amongst men but atheisme, licentiousnesse, and profanitie. For as concerning discipline, it being putt into the hands of bishops, they will make merchandice of it, or lett the reines therof loose in favour of this or that great man, or of one courteour or other, as hath ever beene the nature and custome of these bishops to be men-pleasers, and hunters after the favour and freindship of the world; not darring to displease or adhere unto the executioun therof upon others, least it sould strike upon themselves, commounlie more guiltie and slanderous than anie other. And thus the true worship of God, and care of the salvatioun of soules, sall utterlie perish.

"Nixt, I call them good Scotish men, who have a care and love of the libertie of their countrie, and of their bodeis, to live as free men therin, in safetie and good health. But so it is, this bishoprie will bring the countrie, the lawes, the priviledges therof, with the bodeis of men, in slaverie, servitude, and ryotous dissolutioun, which breedeth manifold diseases, destructioun, and death of bodie. For if anie succeeding prince please to play the tyrant, and governe

all not by lawes, but by his will and pleasure, signified by missives, articles, and directiouns, these bishops sall never admonish him, as faithfull pastors and messingers of God, (for that they are not, having no lawfull calling nor authoritie from God and his kirk;) but as they are made up by man, they must and will flatter, pleasure, and obey man. And as they stand by affectioun of the prince, so will they by no meanes jeopard their standing; but be the readiest of all to putt the king's will and pleasure in executioun, and it were to take and apprehend the bodeis of the best, and suche, namelie, as would stand for the lawes and freedom of the realme, and cast them in darke and stinking prisons, putt them in exile from their native land, &c. Attour and besides this, unlesse that men, of whatsoever estate or ranke they be, cap and kneele to them, give them their ambitious styles, places, and salutatiouns, slavishlie abusing their bodeis against their hearts, they sall not misse their indignatioun, to be interessed, and crossed, and wronged in their earands and effaires, and to be traduced at court by them, or by their meanes. Last, their companie and enterteanement will be an exemple of ryot and excesse, wherto that bishoprie is muche givin. And if thus the realme, the lawes, and priviledges therof, and the persouns of good Scotish men may be used, it is easie to gather the like of their goods and geare. The bishop in his owne citie, and among his vassalls, will thinke himself a pettie roy; who darre deny to lend, to give, to serve them with whatsoever they have; or if they doe deny, can they not, and their lawyers, domestiques, dependareis, devise the way how to gett him to the horne, or into some inconvenience and danger of the law, and then, their whole goods and estate falling into the bishop's hands, they sall be pilled and polled sickerlie? The pitifull experience in tymes past makes us bold to give the wairning for the tyme to come, for it has beene seene and felt, and yitt daylie is in this iland. And, finallie, it is alreadie too manifest, that if the prince be prodigall, or would enriche his courteours by taxatiouns, imposts, subsideis, and exactiouns layed upon the subjects of the realme, who have beene, or sall be readie to conclude and impose that by parliament, as those who are made and sett up

for that and the like service? And whatsoever become of the poore tennents and labourers by land or sea, they sall be ever winners by that block and bootie.

"Then, to conclude, seing this bishoprie, as we have cleerelie and evidentlie shewed and verified, is against the writtin Word of God, against the canons of the ancient kirk, against the ancient fathers and doctors of the kirk, against the judgement of all the sound moderne divines and reformed kirks in Europ, against the doctrine of the Kirk of Scotland preached these 46 yeeres, against the Confessioun of Faith subscribed and sworne by the king and whole bodie of the realme, against the constitutiouns of the Kirk of Scotland in her assembleis, against the lawes of the realme, against the honour of God and his Christ, against the honour and weale of the king, against the honour and weale of the realme, against the constituted and settled estat of the kirk and kingdom, and, finallie, against the weale of all good Scotish men in soule, bodie, and goods: Our earnest requeist and exhortatioun is, with all humilitie, submisse and reverent duetie to his most excellent Majestie, and most ancient and noble estats of this present parliament, that as they tender the glorie of God and honour of his Christ, the peaceable and floorishing estate of kirk and commoun weale, the weelefare and honour of your selves, and the weale and good of all estats and subjects of this realme committed by God to their governement and protectioun, that they erect not of new that unlawfull and most pernicious estat of bishops; but, on the contrare, that it would please his Hienesse, with advice of his estats in this present parliament, to ratifie again of new the established governement and discipline of the kirk, and confirme the cautiouns made in Generall Assembleis, namelie, where his Majestie was present, to save the kirk and realme from the most pestilent corruptiouns of that false bishoprie; that these fearefull dangers and inconveniences being thus prevented, the blessing of grace, peace, and glorie, may be continued and multiplied upon the king's most excellent Majestie, his most honourable estats, and whole realme, and the kirk and kingdom of Jesus Christ may floorishe in all quietnesse, with holinesse and truthe. Amen."

REASONS AGAINST THE ERECTIOUN OF BISHOPS, PENNED BY ANOTHER AT THE SAME TYME.

"1. They can not be erected, till all parteis having interesse, or that were prejudged by their erectioun, were summouned to heare them erected. But so it is, that the Kirk of Scotland is greatlie prejudged, if they be erected in maner and forme, and with the priviledges sett doun in their provisioun, and not summouned to be heard. Therefore, by forme and order of law, they can not be erected till the kirk be summouned and heard, as having speciall interesse. And that the kirk hath speciall interesse, it is verified and proved by the seventh act of the sixt parliament, made *anno* 1567, bearing, the examinatioun and admissioun of ministers within this realme sall be onlie in the power of the kirk; which is expounded in the same act to be, the superintendent in that countrie, or other having commissioun of the kirk. And incace of wrong done in refusing or admitting, appellatioun to be to the ministers of that province where the benefice lyeth, and failing therof, to be decided by the Generall Assemblie. The which whole order established by the act foresaid is utterlie inverted, if they be erected *in forma specifica*, and the kirk's whole priviledges prejudged; which can not be done by law, except they were cited to heare the same done, and heard for their interesse.

"2. The king's Majestie, and all inferiour magistrats, are sworne to mainteane the true religioun in all points, according to the Word of God. But so it is, that the erectioun of bishops, as they are ordeanned to be erected, is flatt and expresse against the Word of God, and lawes established in favours of the kirk, as sall be sufficientlie proved, the kirk being cited, and admitted to reason for their interesse.

"3. In the elleventh act of the same parliament, it is ordeanned, that visitations of the universiteis, schooles, colledges, and instructioun of youth, sall be tryed by superintendents or visiters of the kirk, wherunto erectioun of bishops allutterlie derogateth, and

hath that priviledge committed to them onlie. Therefore the kirk never cited nor heard, to heare that priviledge transferred from them on the said bishops, the said erectioun can no wise be done, at least till they be cited, and heard for their interesse.

"4. Their erectioun *in modo et forma*, as they are desired to be erected, derogateth to the libertie of the kirk granted in sindrie parliaments, and ratified by act of parliament, 1571, in the secund act therof, ratifeing and approving all and whatsomever acts sett doun in favours of the libertie of the true kirk; wheras, their erectioun in maner as they are pretended, allutterlie destroyeth the said libertie.

"5. Their erectioun *in modo et forma*, as they are provided to be erected, derogateth to the act of parliament made in the yeere 1572, anent confirmatioun of the act of dispositioun of benefices by the kirk within 300 merkes, which is the nynth act of that parliament.

"6. Their erectioun derogateth to the act of the same parliament made anent excommunicated persons, seing excommunicatioun and absolving being in the power of the kirk, both by God's law and man's law, is now devolved in their persons, the kirk never being cited nor heard for their interesse.

"7. Their erectioun derogateth expresselie to the first act of the parliament, 1578, which act ratifieth and approveth all acts sett doun for the kirk. *Igitur*, &c.

"8. Their erectioun derogateth to the first act of parliament, 1579, dividing the true kirk in the ministers, teachers of the Word, ministers of the sacraments, and the people professors therof, wherunto the erectioun to a vacant ministrie is flatt contrarie.

"9. Their erectioun is flatt contrarie to the secund act of the said parliament; for their erectioun everts and casts doun the whole discipline of the kirk granted by that act, and jurisdictioun committed to the kirk, consisting in the preaching of the Word, ministration of the sacraments, and correctioun of maners, which all their idle, vaging, and Tulcan serving ministrie casteth doun.

"10. Their erectioun is expresselie derogative to the first act of parliament, 1581, in manie heeds, and speciallie anent them that sall beare office in the kirk, &c., anent thrids of benefices, &c., teachers of the youth and schooles, &c., anent the jurisdictioun of the kirk, &c., all ranversed by this forme of their erectioun.

"11. Their erectioun is expresse derogative to the secund act of the foresaid parliament, finding it expedient for the releefe of the ignorance of the people, that everie parish kirk sould have a qualified minister, and that all the kirks annexed to prelaceis sall be provided of qualified ministers, before that anie provided to the prelaceis sall be provided to sufficient stipends. Now, lett the world judge what conformitie is betuixt their erectioun in forme, as they are erected, appointed to be erected, and that act.

"12. Their erectioun is expresse derogative to the act of parliament, 1584, that ministers sall be judges, founded upon that Scripture, '*Nemo militans Domino*,' &c., since confirmatioun of their erectioun makes them judges in all maner of civill causes, yea, of the highest points of treasoun.

"13. Their erectioun is expresse derogative to the secund act of the parliament made 1587, which ratifeis and approves all acts, lawes, and statuts sett doun anie tyme before in favours of the kirk; and the elleventh act of the same parliament, made anent deprivatioun of ministers, and what sall be compted absence from their ministrie, and non-residence.

"14. Their erectioun derogateth to the first act of the parliament, 1592, for that act standing in force of law anent things concluded therin, there can never be erectioun of bishops in forme, jurisdictioun, authoritie, and dignitie, as they are provided: and siclyke, derogateth to the act of the said parliament, made anent ratificatioun of acts before made anent ministers' stipends.

"15. Their erectioun derogateth to the first act of parliament, 1597, in so farre, as none of their provisioun conteanes their obligatour to actuall and personall pastorall service, but rather looseth the same, giving them free reines to an idle, vaiging, debosched

service, and courtlie forme of behaviour; whereas the said act maketh speciall mentioun, that bishopricks sall be dispouned to them onlie, who, in their provisiouns to the said bishoprick, sall accept in and upon them, to be actuall pastors and ministers, and according thereto, sall practise and exercise the same heerafter; and that the said provisiouns be without prejudice of the jurisdictioun and discipline of the kirk established by acts of parliament, made in anie tyme preceeding, and permitted to Generall and Provinciall Assembleis, and others whatsomever, presbytereis and sessiouns of the kirk. And by the contrare, their provisiouns and erectiouns, as they are conceaved, prejudge, alter, derogat, and destroy the whole discipline of the kirk, nather conteane the said expresse acceptatioun of actuall ministrie.

"16. Their erectioun derogateth to the parliament, 1593, 160 act, made anent contemners of decrees of the kirk, and 161 act of the same parliament.

"So it followeth, that in respect of the premisses, there can be no lawfull erectioun of bishops, nor their provisioun stand, or be anie wise allowed in forme, as they are conceaved by anie judge or judicatorie: nather letters conforme, or other letters directed therupon in anie forme, in prejudice of the ministrie, or other person; at least, till suche tyme as the said ministrie be lawfullie called, and heard for their interesse.

"My lords of the nobilitie, with the barons, burgesses, that have that honour to be the posteritie of them that God has honoured with the erectioun of Christ's kingdom in this countrie, whereby the countrie and yee have your greatest honour; for the libertie of the kingdom of Christ makes Scotland, called otherwise but Darkenesse,[1] the honourablest natioun under heaven; we beseeche your Honours in the bowells of Christ, cast not doun rashlie that which has beene advisedlie builded, least out of your owne erectioun, by time, of God's judgement, there come furth lawes als farre prejudiciall to your Honours' ancient liberteis and priviledges.

[1] Alluding to the derivation by some of the name of the country from the word Σκοτος.

Remember his Majestie's good admonitioun to the prince, in his Basilicon Doron. As for the parliament, it is the honourablest and highest judgement in the land, as being the king's highest court, if it be weill used, which is, by making of good lawes in it; so it is the unjustest seate that may be, being abused to men's particulars, of irrevocable decreits against particular parteis, givin therin, under colour of generall lawes, and oft tymes the estats not knowing themselves, who are prejudged thereby. God give your Honours both spirituall and temporall wisdom," &c.

INFORMATIOUNS GIVIN IN TO THE PARLIAMENT BY THE PRISONERS IN BLACKNESSE.

The commissioners of the presbytereis dealt earnestlie with the commissioners of the Generall Assemblie, to give in Mr Robert Bruce and the imprisouned brethrein's supplicatiouns. But they refused, alledging, that it would rather hurt nor helpe them. Yitt least the publicatioun of the declaratioun sett furth by the advocat, in name of the counsell, sould have deceaved the reader, the imprisouned brethrein sent a copie of their supplicatioun, together with short instructiouns of all their proceedings, to everie one of the estats severallie, who answered, they were sufficientlie informed of the truthe of their caus, but did not helpe them.

Informatiouns to be givin in to the Lords tuiching the Ministers in Waird.

"There are three grounds which are sufficient in reasoun and good conscience to move your Lordships to pitie the distresse, and regaird the caus of the distressed ministers in waird, and to redresse their wrongs.

"1. The equitie and lawfulnesse of their proceedings first and last, in the self, as agreeable to the will of God, lawes of the land, and receaved and approved by custome and practise of the kirk.

"2. The wrongs which in their imprisonment, judgement, and sufferings, they have susteaned, against good conscience and lawes of the land.

"3. The wrong and sinistrous report and informatioun anent both their proceedings and sufferings made to his Majestie, wherupon his Hienesse' wrathe has beene kindled, which otherwise would not have beene, if the simple truthe had beene knowne and told.

"There are two things in their proceedings querrelled.

"1. Their assemblie at Aberdeene.

"2. Their declyning of the counsell's judgement.

"The equitie of their assemblie appeareth in three things:—

"1. In that they had the expresse directioun of Christ in his Word, having their authoritie from him no lesse than the verie preaching of the Gospell, they being no lesse necessarilie required for ruling, than the other for instructioun of the sancts, and holie obedience. If, then, the ordinance of God, and directioun of his Word, can warrant a thing to be lawfull, their assemblie must needs be lawfull.

"2. They are ratified by the lawes of the land, the acts of parliament not onlie declaring them to be just, good, and godlie in the self, Act Parl. 12, *anno* 1592; but also establishing the lawfull use and practise of them everie yeere once at least, and oftner, as occasioun serveth, declaring that it sall be lawfull to the ministers to hold a Generall Assemblie. *Ibidem:* And farther declaires, that there be no other jurisdictioun ecclesiasticall acknowledged within the realme, than that which is and sall be within this same kirk. Parl. 6, act 2, 1579. If, then, the lawes can warrant a thing lawfull, their Assemblie must be lawfull.

"They are appointed by the kirk of this land, as agreeable to God's Word, as the Booke of Discipline beares, which is approved by his Majestie and the counsell, universallie embraced, registred in the bookes of the Generall Assemblie with his Majestie's consent, and subscribed by all pastors, and practised by continuall consuetude and custome, universallie receaved since the yeere of God 1560 yeeres. If, then, the kirk's ordinance, according to the Word of God, receaved, allowed, and authorized by the magistrat, practised by the kirk, and now, being by consuetude and continuall

use of law practised but controlment and ordinar duetie of the kirk, can warrant a thing lawfull, their Assemblie must needs be lawfull."

Objections answered.

"1. It is objected against the lawfullnesse of their Assemblie, the want of his Majestie's consent thereto.

"2. His Majestie's charge in the contrare, executed publictlie at Aberdeene.

"3. The counsell's letter; and,

"4. The commissioners of the Generall Assemblie their letter.

"5. Laurestoun the commissioner his oppositioun, together with their secluding of him.

"6. The raritie of the number who assembled.

"To the First, it is answered, they have the warrant of his Majestie's consent, appointing that tyme and place for their assemblie, subscribed by the hand of Laurestoun, his Majestie's commissioner, which they are able to produce.

"To the Secund, they are able, as of before, to purge themselves by their oaths, that no suche thing ever came to their eares. 2. That the Laird of Laurestoun affirmed at his meeting with them, that he had not used charges, albeit he might. 3. That the same letters were executed against them personallie, and obeyed. 4. That they have oft desired to be heard for unproving of the said charge, but could never be heard. 5. That the lawes free the judicatoreis of all contempt from suche charges, albeit they were executed against them personallie, inhibiting the lawfull proceedings of a lawfull judicatour, according to the law. Jam. VI., Parl. 6, act 92, 1579; and Parl. 11, act *anno* 1587, it is provided, that executiouns which are not betuixt eight in the morning and twelve in the day, importing tinsell of goods, sall be of no force. And it is true, that the said pretended executioun is alledged to be after sevin at night, as the indorsatioun beareth.

"To the Thrid, the first part was obeyed tuiching their dissolving. The Secund, tuiching the not appointment of a new day, was con-

trare to the law of the land, Jam. VI., 12 Parl. act *anno* 1592, and to the discipline receaved and approved of the kirk, as the Booke of Discipline beareth, and contrare the priviledge and libertie of the kirk, so oft ratified and confirmed in parliament, and, therefore, could not be obeyed without a greater offence. Beside, it was but a privie missive, which ought not to import rebellioun or contempt.

"To the Fourth, it is answered, 1. It was against the expresse law of the kirk, that they sould continue or alter the dyets of the Assemblie, as the act made by his Majestie's consent at Halyrudhous, 1602, proports; and so not to be obeyed. 2. It was unformall, but designatioun of a new day, and therefore unlawfull. 3. It was erroneous, pointing out the fyft day, which was not keeped. 4. Diverse of them receaved it not till they were in Aberdeene. 5. The presbytereis that sent them sould answere therin, and not they, for they went not without the expresse command and commissioun of the presbyterie, to whom the letters were directed.

"To the Fyft, 1. The Laird of Laurestoun consented to that meeting, conveened with them, authorized it by his concurrence. 2. Acknowledged the lawfulnesse and authoritie of the Assemblie, by presenting the counsell's letter, and requiring of them an answere thereto, etc. Albeit in voting, he would not condescend to some things, yitt in reasoning, he acknowledged what they did to be both lawfull and expedient. 3. His greatest oppositioun was by way of protestatioun, that he did not acknowledge the lawfulnesse of their meeting, and this he did not untill all was concluded and ended. 4. As to the alledged secluding of him, it was but a mere calumnie.

"To the Sixt, it is answered, in an assemblie of the servants of Christ, where the number is not prescribed nor defynned by a law, it is not lawfull to anie to disallow therof, for the number, seing two or three conveened in the name of Jesus, which are the smallest number, have the promises of his presence, who is their Lord and

ruler of them. Beside, rarenesse makes not unlawfullnesse, in an ordinar meeting, established by law and practise.

"Last, all that was done might lawfullie have beene done by a fewer number, authorized with commissioun as they were; for continuatioun requires not full conventioms.

"That to declyne the counsell's judgement is lawfull, is evident,

"1. By law.

"2. By practice. First, latelie of the Erle of Orkney; secundlie, by daylie custome, in declyning anie one of the lords, upon just occasioun. And it cannot be more unlawfull upon just reasoun to declyne the whole than one.

"Thridlie, it is evident by reasoun; First, becaus otherwise sould follow a miserable confusioun of judicatoreis, speciallie of the civill and ecclesiastick, which by nature, law, and practise, ought to be distinguished; and have beene observed inviolablie in all reformed kirks and commoun wealths, and in this kirk and kingdom to this day, according to the Word of God, and institutioun of Christ therin, who being onlie Head and King of his Kirk, to whom alone the soveraintie of judgement therin belongeth, he has givin the power of the keyes therof, and ministeriall judgement of all spirituall things to the spirituall judicatoreis allanerlie; according as was acknowledged by his Majestie at Perth, in the conventioun of the estats in Marche 1598, in admitting the protestatioun of the kirk, and causing insert it in his bookes of counsell; wherin they protested, that they did not acknowledge themselves to be a judicatour with the estats, nather yitt that they submitted anie mater, ather of doctrine or discipline, to their judgement, they no wise being competent judges therof; but that they reserved, and would reserve, the judgement therof to the Assemblie of the kirk. 2. The rest of the judicatoreis were ydle and superfluous, if in no mater the counsell might be declynned. 3. The counsell sould have no lesse authoritie in the spirituall governement of the hous of God and his kirk, than in ruling the commoun wealth: So they sould be one judicatour, both spirituall and civill, which can not be. 4. The counsell's authoritie sould be extended als farre as his Majestie's,

which they will not alledge; yea, farther, als farre as all the authoritie both spirituall and temporall established by Christ in the whole world, *quod negotia* within the kingdom, which is absurd."

Objections answered.

"1. It is objected, that they declynned his Majestie. 2. That they declynned the counsell *simpliciter*, and so refused all submissioun to them. 3. That it was not for the lawfulnesse or unlawfulnesse of their Assemblie, but for the contempt in assembling at suche a place, at suche a tyme inhibited.

"To the First, it is answered, they never declynned his Majestie, but the counsell allanerlie; for they were not summouned before his Majestie, but his counsell onlie; nather ever secluded they his Majestie from the judgement of the caus in the Generall Assemblie, being present, albeit in his counsell, or by them he might not judge of that mater being spirituall.

"To the Secund, their supplicatioun givin in before the declinatour, conteaning the reasons therof, doeth witnesse the contrarie, it bearing an humble submissioun of themselves to the counsell, wherin they are appointed judges over them as subjects. And albeit the word *simpliciter* be in the declinatour, yitt ought it not, nather can it, (except maliciouslie,) be extended farther than to that actioun that is in hands, wherin, indeid, *simpliciter* they declynned the counsell, as no wise judge competent to that particular.

"To the Thrid, it is answered, that the summouns beare plaine witnesse of the contrare, the conclusioun bearing, to heare and see their Assemblie declared and decerned unlawfull, which was the actioun, and the other onlie used as the midds, to inferre the conclusioun. 2. The counsell's decreit beares the same, which beares expresselie condemning the Assemblie to be unlawfull.

"The wrongs which they have susteaned in their imprisounment, suffering, and judgement, are these: In their imprisounment, 1. That being his Majestie's free lieges, and servants of the living God in his ministrie, they were imprisouned, being nather suspected of treasoun, called, accused, or convicted for anie cryme

or offence against the lawes, and *indicta causa* punished. 2. That they offered suretie to be answerable to the lawes, when ever they sould be charged, to be free of prisoun; and were not heard, albeit no cryme layed to their charge. 3. That they offered to improve the pretended executioun givin in against them by Laurestoun, but therafter still rejected. 4. That having entered in waird at the counsell's command, they were afterward denounced to the horne.

"Secundlie, in their sufferings. 1. Notwithstanding of their innocencie, weakenesse of persons and callings, yitt they have beene more rigourouslie dealt with, and restrained in harder maner, in a more strait prisoun, than the most haynous malefactors ever was in this land; being oft tymes separated from others and from all creatures, sight of the sunne, and from the use of the aire. 2. That being in most evident danger of the plague come to the gates where they were, not without suspicioun within, their humble sute to be transported to anie other waird, where they might be in some more safetie and securitie, was repelled, and they exponed to the danger of the plague. 3. That hitherto having most humblie requeisted that they might be sett at libertie, or then suffer suche punishment as by the law or good conscience might be inflicted upon them, they could obteane neither. 4. That having offered to abide the censure of the Generall Assemblie, and to be subject to their judgement, yitt this could nothing content nor satisfie, except against conscience they would condemne, by their judgements, their owne proceedings, which by law could not be gottin controlled.

"In their judgement first at Edinburgh. 1. That upon sinistrous report, they nather cited nor heard, an ordinance was made in counsell to denounce them to the horne. 2. In that they were caused stand and compeere before the counsell in a mater ecclesiastick. 3. In that their supplicatioun, so agreeable to the lawes and equitie in the self, was rejected. 4. That they did find themselves judges by vertue of that act *in anno* 1584, notwithstanding of the posteriour act 1592, and pronounced decreit, notwithstanding of their

declinatour, in a mater not permitted to their judgement, the 24th of October. 5. That by their decreit they both abrogated the libertie and freedom of jurisdictioun, ratified by his Majestie and estats to the kirk, and also contemned it as unlawfull; which by the acts of parliament is approved and permitted as lawfull, yea, most just, good, and godlie in the self. 6. The tenth of Januar, at Linlithquo, first, that without warning or premonitioun, they were brought to the barr to answere in a mater of their life 7. That they offering to annull their declinatour providing the counsell would annull their decreit and processe led against them at Edinburgh, it was refused. 8. That their procurators were not caused speeke for them according to the law, albeit the Justice was required so to doe. 9. That the partie, that is, the counsell whom they had declynned, was also their judges. 10. That they were accused for declynning his Majestie and his royall authoritie, whereas onlie they declynned the counsell, and that not *simpliciter*, except in that caus. 11. That to declyne the counsell was layed to their charge as a point of treasoun, which, as it is most unequitable, so it is a most perellous and dangerous preparative against the whole land. And, 12. They humblie requeisting to suffer them to passe and advise with the presbytereis and synods which sent them anent the lifting of the declinatour, upon suretie ather to returne answere to their contentment, or to enter themselves again in waird to be answerable to the law, were refused. 13. That they having by their declaratioun dytted by them, and writtin by the clerk to the Justice, cleered themselves sufficientlie to the consciences of all men of the cryme layed to their charge, yitt interlocutor was pronounced against them. 14. That the said interlocutor, albeit in a mater of greatest accompt, yitt was not receaved nor formallie voted, but by secreit rounding collected and pronounced. 15. That it was pronounced, as agreed on by the whole assessors, albeit it be of truthe that some made oppositioun in the meane tyme. 16. That no reasoun, albeit most evident, cleere, and solide, could have place, but all that could be said *simpliciter* repelled. 17. That the mater was not reasouned in

presence of the assise conforme to the law, the most part of them being unentered the place of judgement till they were called to be sworne and enclosed. 18. That the most part of the assise were men utterlie ignorant of suche mater, and almost altogether unknowne to the ministers, and no wise acquainted with the caus; and some, also, knowne enemeis to the truthe of God and professioun, others profane atheists and godlesse livers. 19. That according to the advocat's speeche to the assise, their cryme was not tryed, whether they were found to have committed treasoun; seing the assise was willed to cognosce and make inqueist of no more but that they had declynned, in respect the Justice and lords had alreadie found it treasounable. 20. In that the assise was not enclosed alone and so keeped; but others had accesse unto them, and some of them also came out and spake with the Justice and lords contrare to the law. 21. That they were not absolved, having in all evidence to the sight of all men justified themselves, as free of all unduetifulnesse (lett be treasoun) to his Majestie and counsell. 22. That albeit they had beene guiltie of treasoun, as the Lord forbid, yitt they were not absolved, conforme to the law in suche respects of out-comming to the assisers, or imbringing of anie of them.

"The wrongs by sinistrous report to his Majestie.

"First, that they sould have abused the Laird of Laurestoun, and overseene their duetie towards him at their Assemblie, in putting of him to the doore, and secluding of him. 2. In that they are alledged to have contemned his Majestie's charge givin publictlie, which is a meere forgerie. 3. That they sould have made all their actiouns meere spirituall, of whatsomever sort they were, and *simpliciter* have disclamed themselves altogether from their subjectioun to his Majestie and his counsell by their declinatour; it being knowne to all, that in neither of these, besides anie other things layed to their charge, have they done anie thing against their duetie, ather in reverence or subm[illegible]issioun to his Majestie and counsell, which they ought to his Hien[illegible]sse and to their Lordships."

THE SUPPLICATIOUN.

" The spirit of grace, wisdom, uprightnesse, and the feare of the Lord be with you, for salutatioun.

"My Lords of this present Parliament,—We, the distressed and afflicted servants of the living God, doe humblie meane and shew unto your Lordships, as to these who are appointed of God to doe right to the poore, and to deliver the oppressed, that this is now the twelve moneth since we have beene imprisouned and sore troubled, for assembling ourselves in the name of Jesus, King of the sanets, for the effaires of our calling, according to the accustomed order observed since reformatioun of religioun, and approved by the lawes; and have beene brought before judgement-seats, and condemned as malefactors, for the service of our Lord; wherin, as our consciences beare us record according to his eternall truthe, that we have done nothing but that which is acceptable in his sight, so are we perswaded that our innocencie is knowne to the consciences of all who love the Lord Jesus his truthe, and doe not delyte to abide in errour; it being, as we now beleeve, cleere and manifest to all men, that first, we have beene unjustlie reputed and reported to have beene contemners of his Majestie's charge givin publictlie in Aberdeene, as is alledged, according as it was givin in by Laurestoun to the Lords of his Majestie's counsell: Which alledgance, charges, and executiouns, we darre affirme in the sight of God and his angels, to have beene forged and fained, and sould have tryed opinlie to have beene so er now, if halfe the extremitie and rigour had beene used against the authors for doing suche wrong, which has beene executed against the servants of God for obeying of his will, for the voice and calling of his kirk. And secundlie, that we are most wrongouslie slandered with disclaming of our selves from anie subjectioun to his Majestie and his counsell, and with a plaine denyall of subjectioun to his Majestie, and of his royall power and authoritie over us, by proponing of our declinatour to the counsell, the 24th of October 1605, in the actioun of

lawfulnesse or unlawfulnesse of our Assemblie, as though we had thereby made all our actiouns of whatsomever sort, to be mere spirituall; and that against all equitie, we have beene burthenned with the infamie of treasoun (from the which the Lord deliver us) in that processe deduced at Linlithquo the 10th of Januar 1605, in respect we never declynned his Majestie, being never summouned before his Hienesse, but his counsell allanerlie. Nather did we ever exeeme our selves from the counsell's judgement in anie thing civill, wherin they are appointed judges by the law over anie other subjects in the land; but at all tyme did professe, both by word and by writt, our humble subjectioun to them. Nather ever did we refuse that his Majestie sould have entered in this particular; but were alwise willing to submitt our selves to the Generall Assemblie to be tryed, his Majestie being there ather in persoun or by his commissioner, according to the order heeretofore observed in our kirk. Yitt hitherto could no professioun of our duetifull subjectioun ather obteane our libertie from a most rigorous restraint, nather save us from being convinced as guiltie; whereby not only our flockes have beene deprived of the confort of our ministrie, our famileis impoverished, and our selves sore troubled in our persons, but iniquitie is made to abound, the worke of God weakehned, the enemeis encouraged, the Gospell slandered, the name of God highlie dishonoured, and so, the wrathe and judgement of God, spirituall and bodilie, brought upon the land.

"Wherefore we most humblie beseeke your Lordships, and in the name of Jesus Christ our Lord we desire you, to consider our cace, and to redresse our wrongs, by rescinding and annulling the sentence so unjustlie pronounced against us; and to deliver us from that odious reproache, and haynous slander of treasoun to undeservedlie imposed upon us. Becaus the grounds wherupon the sentences both the 24th of October and 10th of Januar were pronounced, have never, nather by the grace of God ever sall, be found by lawfull tryell in our persons, we having nather contemned his Majestie's charge, it being a forgerie, nor yitt disclamed our selves by our declinatour from anie lawfull subjectioun in the

Lord to his Majestie, whom we ever did, and still doe, acknowledge him the onlie lawfull and righteous king, lord, and soverane, in and under God.

"2. Becaus, although your Lordships would not for the equitie of our caus favour us, yitt the verie law obligeth your Lordships to caus us be freed from that sentence at Linlithquo, in respect the act 91 of the elleventh parliament, 1597, ordeans the partie accused to be holdin and pronounced cleane and innocent of the crymes and treasouns layed to his charge, if anie point of the said act be transgressed; and it is evident to all that were there, that both the clerks communed with the assise enclosed, and the chanceller of the assise came furth, and spake with the Justice deput, the lords, and us. Therefore, except your Lordships denie us the benefite of your owne law, yee can not but ordeane us to be free of that sentence.

"3. If neither of these reasouns will perswade your Lordships, we beseeke your Lordships to consider the danger which such a preparative must bring to the whole estat and bodie of this kingdom. For who can escape the like sentence, if it sould stand, that no man whatsoever declyning the counsell, but sould be guiltie of that treasoun? But it is so ordeanned and straitlie commanded, in the ende of the booke of declaratioun sett furth by his Majestie's counsell, that none of his Majestie's subjects in this kingdom of whatsomever ranke, place, calling, and conditioun, presume to misinterpret that act of parliament in the yeere 1584, concerning the declynning of the counsell's judgement, otherwise than the same is made cleere and manifest by the decisioun of the justice in anie tryell.

"Lastlie, if nather the innocencie of our persons, conditioun of the law, nor your owne danger will perswade you, then doe we requeist your Lordships, in the name of the Eternall God who standeth in your assembleis and judgeth among you, whose judgement yee execut, and before whom yee sall stand, and make a compt of your judgement, that yee would remember the terrour of that Lord who has said, 'Woe to him that taketh away the righte-

ousness of the righteous from him, and doetlf not deliver the oppressed, and hath not compassioun on his distressed members;' and who has said, that 'judgement mercilesse sall be given him who sheweth no mercie:' that for removing of the plagues alreadie fallin, and for avoiding of the severitie of his indignatioun threatned, and shewing that endlesse damnatioun of that sentence of his wrathe to be pronounced in that last day, saying, 'Depart from me, yee cursed, to everlasting fire, which is prepared for the devill and his angels: for I was hungrie, and yee gave me no meate; I was in prisoun, and yee visited not me;' your Lordships may be moved to shew mercie to us, his distressed members, who now in our need doe cry for aide and releefe; and humblie requeist, that we may be sett at libertie, to serve our God in our calling, and pray for the peace of our king, his childrein, and subjects.

"Thus, humblie craving your Lordships' answere, and waiting for confort, we recommend your Lordships' present conventioun to the directioun of Him in whom yee are, yee live and move."

MR J. FORBESSE' LETTER TO MR R. BRUCE.

The originall and ground of the king's anger at the chanceller, and his tryell that followed therupon, may be collected out of this letter following, writtin by Mr Johne Forbesse himself to Mr Robert Bruce:—

"Right honourable and heartilie loved in the Lord; our mutuall love in him remembred: Yee sall thinke no evill of my long delay in writting to you. So narrowlie have all our actiouns beene marked, and our wayes waited on, that without farther harme nor profite, I could not adventour our letter to you. It has beene the good will of our God so to exercise us, wherin, howsoever by men we have beene sore pressed beyond measure, yitt never did our God suffer us to be ather confortlesse or confounded. The consolatioun has alwayes abounded beyond the afflictioun, blessed be the

Lord, who is faithfull and true, though all flesh be leers. He is the same yesterday, to-day, and without change or shadow of turning. If he sall give the like grace of faith and patience to us in obeying his will, as he did give of old to his servants, we sall doubtlesse find the like presence and protectioun, with a glorious issue, whereby assuredlie his name sall be magnified in our mortall bodeis, be it by life or by death. It pleaseth our Lord some tyme to give us that resolutioun, that we could be content of either, according as most may serve for his glorie. Our desire is, that He would strenthen and prepare for the worst, which surelie is most apparent and likelie. For what can be expected to be the end of so wilfull a striving against a knowne truthe, and so malicious hunting for the lives of the innocent, in searching out wayes to involve them in some shadow of guiltinesse, where substance cannot be found, but the uttermost fruicts of an unsatiable hatred? The foundatiouns now are layed, as they thinke, verie sure in this parliament; but Babel sall never be builded again, though all the earth sould conveene thereto. What trouble may be expected to the sancts, by that twofold iniquitie of the episcopall *dominatum* and *superematum* enacted at this tyme, yee may easilie judge, if men receave grace to be faithfull. But I feare, few sall be found, that to the end sall keepe the faith and the rejoicing of a good conscience. We are fallin in the dayes of horrible defectioun; so that when I consider that one word, that 'the fearefull sall not enter within the ports of that citie,' it makes me sore to lament the deeds of this tyme, and feeblenesse of all men; for scarse is there one found, in whom there is sufficient strenth, and courage to doe good, no, not to doe so muche as to speak for the Lord and his truthe.

"But I leave these things which can not be sufficientlie nather pitied nor lamented. Our owne cace is as it was before. The purpose anent the chanceller none yitt know whereto it will turne. The truthe of this mater is knowne to verie few, nather can it be weill knowne, it is convoyed so cunninglie and covertlie: The Bishop of Glasgow, upon some speeches betuixt the chanceller and me uttered in counsell, wherin the chanceller somwhat unad-

visedlie alledged I had not keeped promise unto him anent our Assemblie; to whom I answered again, that I had keeped promise als heartilie as anie that ever his Lordship dealt with in his life, and that everie thing was done according to my promise; for my speeche, as I say, the Bishop of Glasgow conceaving some points betuixt us. As for my oversight that could be therin of duetie to his Majestie, I know it not, and it was so high to me to thinke of it, therefore I referred it to his Majestie's owne self, who best knew his owne secreits. Heerupon his Majestie being stirred with some passioun, perceaving that I refused to accuse the chanceller, did write a letter full of reproaches against me to the Erle of Dumbar, as a man in whom he could lippin nothing. The Erle of Dumbar, who for his owne particular was earnestlie sett upon the turne, sent to me to Blacknesse a letter with some credit beside, all tending to perswade me to performe that peece of service and duetie to his Majestie. To whom I answered, that I could not thinke that his Majestie or his Lordship ather sould expect at my hand that I would be an accuser of the chanceller, seing I had professed in my letter to his Majestie, that I knew no offence in him in that wherof they would have him accused. He had offended, as his Lordship also had done, in their proceedings against us; and therefore willed his Lordship to find ellis where an accuser: as for me, I would be none; I onlie would stand to the defence of myne owne innocencie. The mater not succeeding with them as they expected, they resolved to be avenged upon me, and yitt so as they sall compell me to worke their turne. Heerupon they conclude to accuse me as one who had writtin a calumnie on the king's trustie counseller, and so compell me to verifie that which I had writtin; and so, upon the verificatioun therof, to worke out their purpose against the chanceller. Heerupon they sent for me the morne confidentlie, becaus they knew the witnesse who had heard the chanceller his appellatioun, and had tryed their minde; and in the letter they will me to bring with me suche of my brethrein as understood that mater, and might serve for the cleering of it. Upon this occasioun, Mr Johne Welshe and I were brought to the coun-

sell, where, after long reasoning betuixt the counsell and me, I defending that I was holdin to prove nothing I had writtin in my letter to his Majestie, in respect both it was a mater secreit, and also writtin at his Majestie's owne desire, they concluded I behoved to doe it, otherwise, to underly his Majestie's wrathe. I desired I might be permitted to inform his Majestie by my self, after suche maner as sould be sufficient, to caus his Majestie apprehend the truthe; abroad I was not able, nor holdin to prove it in publict judgement. This being denied, I then desired that the chanceller and I might be permitted to speeke together, and that his Lordship might be brought to that effect, that I might know what it was in my letter that his Lordship denied; for I could not beleeve that I sould need to use anie probatioun in that mater if himself were heard. This also is refused, and a day assigned to me to prove his approbatioun; for as to the conference before, I refused to prove it, in respect there was none present at it except one, who was the chanceller's freind. Yitt the approbatioun was suche, as it might cleere, both that there was a promise betuixt the chanceller and me, and that things were done conforme to the promise. Before the day, I did write his Majestie by advice of some of the lords, and expouned to his Majestie the wrong done to me, desiring that his Majestie would send for my self, and if I satisfied not his Majestie with sufficient reasoun in that mater, I was content his Majestie sould use me after his pleasure; and if his Hienesse thought not that good, his Majestie sould know what was the prooffe that I would use before the judges appointed by his Majestie, that his Majestie might be advised therewith: and so did name the witnesses, Mr James Balfour, Mr Walter Balcalquall, Mr Johne Welshe, and Mr Robert Cathcart, who all were allowed by the Erle of Dumbar, and we wrote to his Majestie the verie words which they would depone, wherewith his Majestie being satisfied; and when the prince and the Erle of Salisburie, at the chanceller's desire, imployed their credit to the uttermost till they obteaned of his Majestie that whether the mater was proved or not, the chanceller sould be continued in his Majestie's favour and in

his office. Heerupon his Majestie sent backe a directioun to Dumbar that he would not have the chanceller convicted, albeit the mater sould be proved. The Erle of Dumbar perceaving the king turned, was laith to tyne the chanceller; therefore entereth secreitlie in pactioun with him, and at his desire agrees in the probatioun to passe by Mr Johne Welshe unexamined, becaus he had most cleerelie opened up the mater unto him, and also condescended to caus examine the man that had beene present at the conference, notwithstanding that I sould not use him as a witnesse whom he had sent for to that effect; according to the which so he did. Mr James Balfour and Mr Walter have depouned the verie words writtin by me to his Majestie. Mr Robert Cathcart depouned suche as he heard, professing he heard not all that was betuixt the chanceller and Mr Robert Welshe. Alwise his depositioun cleeres the approbatioun.

"This is the truthe; yitt in respect of the former directioun from his Majestie, the brute is lett goe that nothing is proved. His Majestie has seene the depositiouns, but as yitt has givin out nothing. My Lord Fleming he is returned, but uttereth nothing in that mater. So it resteth, and we remaine heere, to the great greefe of Mr Johne Hall. I did five severall tymes write to the chanceller out of prisoun at diverse occasiouns as they proceeded against, desiring his Honour in tyme to stay his Majestie's wrathe and all proceedings against us for our Assemblie; otherwise, assuring his Lordship I would reveele the truthe concerning him. Yitt I receaved no answere, but found ever the greatest straitnesse and severitie. And lastlie, after our convictioun at Linlithquo, I sent his Lordship word, that I had waitted on his Lordship longer than anie man would have done, in suffering himself corrupt the thing wherunto his Lordship had givin his advice; and now has givin more than just occasioun to keepe no moe points of duetie to him who had brokin so all duetie both to God, and man, and me; notwithstanding, if his Lordship would exeeme my brethrein from the danger wherin he had involved them, I sould yitt suffer in my owne persoun what might befall, rather er I opened up anie thing to his

prejudice. But nothing could atteane to anie favour at his hands. All this moved me now to utter anie thing, till it being reveeled to his Majestie, as said is, I am commanded by his Majestie's self to write the veritie of it to his Hienesse, yitt so spairinglie as ever, concealing the things that might have prejudged him, and still refusing to be his accuser. Other things I referre to my brother Mr Johne Welshe his letter; beseeking you to support our weakenesse under our burthein with your prayers for us, as we sall remember you to God daylie. For as in the heaven we have none but him, so in the earth there is none with him. To his grace and consolatioun I most heartilie commend you, remembring my loving salutatioun to your bed-fellow.

"From Edinburgh Castell, the 16th of Julie 1606.

"Your loving brother in the Lord, and fellow-sufferer for his truthe, JOHNE FORBESSE."

The Generall Assemblie is continued by proclamatioun to May, and so sall runne on yeere to yeere, till the mysterie of iniquitie be perfytted.

THE MINISTERS SENT FOR TO COURT, ADVISE WITH THEIR PRESBYTEREIS.

In the moneth of August, the ministers sent for to court advised with their presbytereis and sessiouns what to doe. They counselled them to obey the king's letter, but would give them no commissioun, incace they had beene urged to disputatioun, or to deliver their opinioun in maters propouned to them. Three of their number were of the presbyterie of St Andrewes, viz., Mr Andrew Melvill, Mr James Melvill, Mr Johne Carmichaell. They desired of the presbyterie an extract of the acts subscribed heeretofors in the presbyterie concerning the discipline, which was granted. The copie of the extract followeth:—

"*At St Andrewes, the 17th of August* 1606.

"The which day, after incalling of the name of God, Mrs An-

drew and James Melvills and Johne Carmichaell being to take journey according to his Majestie's letter, desired to have the extract of all the acts made or subscribed heeretofore in the presbyterie anent the discipline of the Kirk of Scotland, with the consent of the whole brethrein of the presbyterie; and in speciall, the act of the presbyterie, made the secund of August 1604, anent the whole brethrein of the presbytereis' subscriptioun of the Confessioun of Faith, publictlie authorized by his Majestie. Which desire being found reasonable by the presbyterie, and the said act being publictlie read in the audience of the whole presbyterie fullie conveenned, without oppositioun of anie person to the same, the presbyterie ordeanned the extract of the foresaid act, together with all other acts, generall or particular, to be givin to the brethrein foresaid, authenticklie subscribed by the clerk.

"Extract. &c. Mr ROBERT ROUGH, *Clerk*,
"at command of the Presbyterie."

"*At St Andrewes, the secund of August* 1604.

"The which day, after incalling upon the name of God, the whole brethrein being lawfullie conveenned, the Confessioun of Faith, authorized in the Kirk of Scotland, was presentlie read in the audience of all, together with the act of parliament holdin at Edinburgh *anno* 1592, for explanatioun of the present discipline generallie authorized in the said Confessioun of Faith, which by the foresaid act of parliament is ratified and confirmed, namelie, in the libertie of the Generall Assembleis once everie yeere, synodalls, presbytereis, and particular sessiouns of kirks, derogating from all acts made of before in prejudice of the same, and declaring the present discipline used in the Kirk of Scotland, and approved in the act foresaid, to be onlie godlie, just, and lawfull in all tymes comming; as is at more lenth conteaned in the act of parliament foresaid. Which act and confessioun being rypelie advised and considered, was publictlie subscribed by uniforme consent of the whole brethrein, to testifie their harmonie and heartilie agreement in all things, both concerning doctrine and discipline; promising

solemnelie to defend the same alwayes according to their callings, and never to come in the contrare, according to the great oath sett doun in the foresaid Confessioun of Faith. In witnesse wherof, first the moderator subscribed, then Mr George Gladestains, minister at St Andrewes, Mr Robert Wilkie, rector; and so everie one as they satt in their places, as is conteaned in the principall, subscribed particularlie with all the brethrein's hands.

"Extract. &c. Mr ROBERT ROUGH, *Clerk*,
"at command of the Presbyterie."

"*At St Andrewes, the tenth of Januar* 1605.

"The which day, Mr George Gladestains having returned from England, declared in presence of the whole brethrein of the presbyterie, that as he departed a brother, so he returned, usurping no superioritie over them, but to have a simple vote as the rest; promising to behave himself in als great humilitie, and greater, than ever before: and whereas he departed, not advertising the presbyterie, desired that they sould not be offended therewith, becaus the commoditie of his journey so required, that he could not advertise them. Of the which declaratioun and excuse, the presbyterie accepted weill.

"Extract. &c. Mr ROBERT ROUGH, *Clerk*,
"at command of the Presbyterie."

MR G. GLADESTAINS' FALSHOOD.

Mr George Gladestaines, after he had changed foure flockes and two bishopricks, and had sworne that he sould never be Bishop of St Andrewes, becaus the bishops of that see had made so evill an end, and were so muche hated, yitt even at the same tyme came home Bishop of St Andrewes. When some gentlemen, his favourers and others, who had hope of advancement by him, would aske how he could beare with the presbyterie, he answered, "Hold your tongue; we sall steale them off their feete."

THE EIGHT MINISTERS TAKE JOURNEY TO COURT.

Mr Andrew Melvill, Mr James Melvill, Mr William Scot, and Mr Johne Carmichaell, resolving to goe by sea, by reasoun of Mr James his disease, and inabilitie to ryde, embarked at Anstruther the 15th day of August, and came to Londoun the 25th of the same. The other foure went by land, and came to Londoun about the end of August.

MR G. GLADESTAINS' PROMISE BEFORE HIS DEPARTURE TO COURT.

Upon the 21st of August, Mr George Gladestains informed the presbyterie, that he was sent for by his Majestie, and was to take journey; asked wherin they would employ him. They charged him before God, that nather directlie nor indirectlie he doe anie thing in prejudice of the discipline established; which he promised solemnelie in presence of the whole brethrein: and farther, that he sould doe nothing but that which he sould be answerable for to God and his kirk, and for the which, he sould be welcome to the presbyterie again, and wherof he sould not be ashamed to be spokin of, ather now, or heerafter by the posteritie; taiking God to witnesse, that he never minded the alteratioun of the discipline of the kirk.

THE EIGHT MINISTERS WILLED TO STAY AT WESTMINSTER.

The eight ministers were kindelie visited at Londoun, by diverse brethrein of the ministrie in and about Londoun; as Mr Smith, Mr Snap, and others. The two archbishops, Canterburie and Yorke, sent for them, and intreated them to come to their houses. They answered they had not yitt seene his Majestie, and till they had presence of his Hienesse, they would goe to no place. Mr Alexander Hay, the Scotish secretarie, came to them in Westminster, directed from his Majestie not yitt returned from the

sommer progresse, to shew unto them, that it was his Majestie's will and pleasure, that they sould stay at Westminster till the 20th of September. This warrant they thought not sufficient; therefore they directed Mr William Scot with Mr Alexander Hay to his Majestie, by whom they receaved the same answere.

REASONS WHEREFORE THEY WILL NOT REASON UPON THE HEEDS OF DISCIPLINE.

The word went, that they were sent for to dispute with the bishops upon the heeds of their discipline; concerning which mater, they receaved letters from Mr Patrik Simsone, and other good brethrein. Wherupon they advised and resolved upon some reasouns, wherefore they nather could nor would reasoun in that mater. "1. Becaus, in so doing, we sall prove (say that) our selves unjust, unthankefull, foolish, arrogant, and impious. Unjust, in doing suche a wrong to the Kirk of God established in Scotland, to call in questioun the discipline therof: unfaithfull, in dealing in the effaires of the kirk, without commissioun and warrant from the same: foolish, in taiking upon us suche a weightie caus rashlie, without lawfull wairning and preparatioun: arrogant, in presuming so muche of our selves, as off hand to deale in suche a mater, being but a few of the weakest members of that bodie wherunto the caus properlie belongeth: impious, if we sall tempt God, wanting both calling and meanes. Nixt, we can have no partie adversar to contend with all, in the caus of the Kirk of Scotland in this place: for if anie heere would dispute for the English church, they may find a partie amongst themselves; if anie out of Scotland, they can not nor ought not to be heard, seing they have all subscribed, sworne, taught, and professed the discipline and governement established in the Kirk of Scotland." They had with them the King's Confessioun, subscribed latelie by the presbyterie of St Andrewes, and namelie, by Mr George Gladestains, incace he, or anie other sent for to court, had preassed to reasoun in that mater. But there was no suche purpose intended.

A LETTER OF THE IMPRISOUNED TO THE EIGHT MINISTERS.

The brethrein lying in prisoun wrote to them sindrie letters, all to the effect conteaned in the following:—

"*To their Reverend and deerlie beloved brethrein, Mr Andrew Melvill, Mr James Melvill, with the rest of their fellow brethrein thesè, &c.*

"Reverend and deerelie beloved brethrein,—The earnest care and solicitude that we have alwayes of you all, together with the assurance wherin we are daylie confirmed, that He who has sent you, and ever hitherto has beene with you, in keeping you blamelesse even to this verie tyme, and making you lights and lamps to shyne before the rest of your brethrein, will now also, in this last and most publict testimonie wherunto he has called you, bè with you. These things, I say, will not suffer us to lett anie occasioun of writting to you passè away, without some testimonie of our remembrance of you, with all the strenth that the Lord has bestowed upon us; not that yee need to be encouraged, confirmed, strenthenned by us, but that heerin we doe ease our selves, in disburthenning our hearts of that love which we beare to you, as the faithfull servants of the most high God now wailled[1] and chosin out among all the rest of your brethrein, to be witnesses of Christ not onlie before Cæsar, but as it were before the whole world. For whose eyes are not upon you; whose hearts are not attentive, in expecting both the actioun and event? Your brethrein at home, the kirks abroad, the enemies both heere and everie where. Now is the tyme He has called you to beare witnesse of His glorious and free monarchie, the which, as it is the last of his offices, so it is last putt at; and as it is the end of the other two, so it is most glorious: and so, the testimonie therof more glorious to God, more honourable to his Sonne, and sall be more confortable to you, than the testimonie athe? of his prophecie or preisthood. One thing, my deere brethrein, I darre say by experi-

[1] Culled.

ence, and my God is witnesse that I lee not, that unspeekable is the joy in the free and full testimonie of Christ's royall authoritie; unspeekable is the joy in suffering for his kingdom. So that I know not if a man sould have so muche joy in suffering for Christ's ather persoun, godhead, or manhead, prophecie or preestheid, as yee sall have now, and at this tyme, in suffering for his kingdom, becaus that is speciallie oppugned. We had never suche joy and peace in preaching of it, as we have had in the suffering for it; so that we are even glade, when the sufferers are multiplied, becaus we know, that the peace and joy sall be proportionablie multiplied. Our deere brethrein, that which we spake before in knowledge, we now speeke by experience, that the kingdom of God standeth in peace and joy. Remember the commissioun givin to Jeremie, 'Speeke all that I command you, and be not affrayed of their faces, least I destroy thee before them; and I will make thee a brazen wall,' &c. And that in another part, 'Turne not thou unto them, but lett them turne unto thee.' And that of Micah, 'I am filled with vertue of the Spirit of the Lord, *judicio et potentia*,' &c. Christ sall raigne, and all his enemeis sall be tramped under foote. And indeid, they are enemeis to him, who will not suffer him als weill to be a King, as to be a Prophet and Preest. But, our deere brethrein, we are perswaded his grace sall beare you out with all confidence, to witnesse a good confessioun. He who ever hitherto has beene with you, will not now leave you. The greatest confort yee can bring unto us, is regarding the caus without respect of our persons, or anie thing that we can suffer for the same, in the freedom of his kingdom. Stand not a jote, brethrein, for us, or for anie libertie or benefite can be brought to us. We will not trouble you with farther, for we know it is needelesse. The God of wisdom, peace, and strenth be with you all for ever.

"Your brethrein,

"JOHNE WELSHE, JOHNE FORBESSE, &c.

"Edinburgh Castell, the thrid of September, 1606."

A LETTER FROM THE IMPRISOUNED TO THE KING.

The imprisouned brethrein sent likewise a supplicatioun, which they desired them to present to his Majestie. The supplicatioun was putt in the king's owne hand at Hampton Court.

"Please your sacred Majestie,—If there were no more (dread soverane) but the estat of our desolate famileis, and our owne, for the most part circuited in our wairds with the present devouring plague of the pestilence, (which is suche, that we can hardlie thinke, but if it were throughlie knowne unto your Majestie, it could not but opin the bowells of your Hienesse' pitie and compassioun toward us, wherunto, in God, we have recourse for releefe,) we sould not have importuned your Majestie farther heerin, but have keeped silence, and rested in the good pleasure of our God, patientlie awaiting upon his gracious appointed tyme of our deliverie, in opening your Majestie's eare and heart, to have heard and regairded with commisseratioun the distresse of your Majestie's humble, obedient, and innocent subjects, the servants of Jesus Christ, whom he has appointed worthie to be putt in his service; having learned to be content, with meekenesse and humblenesse of minde, not onlie to have suffered reproaches, povertie, hunger, and imprisounment for his sake, but also (in the power of his grace allanerlie) to lay doun our lives in the defence of his Gospell and kingdom, wherunto he has called us, and for the which, with duetifull patience, we have suffered these twelve or thritteen moneths imprisounment. But the fiercenesse of God's wrathe burning so hotelie not onlie in other parts of your Majestie's kingdom, but also and speciallie in these places and congregatiouns amongst whom, under your Majestie's protectioun, we have heeretofore, and now likewise sould practise our ministrie, whereby not onlie the destroying angell with his drawin sword is hewing down day and night continuallie, and causing the carcases to fall, and that in suche number in some of our congregatiouns, that the like therof has not beene heard these manie yeeres before: And also (which

is most lamentable, and cannot but pierce the most stonie heart that ever had hope to find mercie to himself in that great day) that they live and dee confortlesse, under that fearefull judgement, filling the heaven and earth with their sighes, sobs, and cryes of their distressed soules, for being deprived not onlie of outward conforts, which were too great, but also of all inward consolatioun, through the want of the ordinarie meanes of their peace and life; to witt, the preaching of the Word by our ministrie.

"This, Sir, is the speciall caus that has moved us to present, by this our humble supplicatioun unto your Majestie's pitie, not so muche our owne miserie outward, which in the self is more also nor the bowells of true compassioun could weill suffer, the which, we can gladelie endure for his sake who has sent us; seing heerin we have that peace which the world can not take from us, and the rejoicing of a good conscience, that in nothing we have justlie offended your Majestie, but have walked in all sinceritie in our calling; we say, not so muche our owne miserie, as the most lamentable estat and desolatioun of our congregatiouns, confortlesse now in bodie and minde; that out of your Hienesse' fatherlie love and tender compassioun, their distresse may be suppleed, and their sorrowfull hearts conforted, by permitting unto them the use of our ministrie again. Thus sall the God of your Majestie's preservatioun, and wonderfull preferment in despite of the manifold attempts of his irreconcilable enemeis be glorified, the hearts of the sancts, the best affected of your Majestie's subjects, who now sorrow, for the afflictioun of Joseph sall be conforted. Thus sall your Hienesse' poore people who live and dee in suche miserie, blesse the Lord their God, that has putt in the king's heart to pitie their cace; to speeke nothing of that blessing that sall redound to your Majestie's persoun and throne, according to the covenant, 'I will blesse them that blesse thee, and curse them that curse thee.' For wherefore sall the guiltinesse ly upon the king and his childrein, that so manie thowsand soules who were once abundantlie fed with the truthe of the Gospell, are now living and deeing in unspeekable sorrow and miserie, for want of that onlie confort of

their soules? Why sall their blood be found under his Hienesse' wings? And why sould the cry of their blood come up in the eares of the Lord of Hosts, whose heart is so full of pitie, that he can not but heare the cry of his poore ones; and so full of love, that he that tuicheth them tuicheth the apple of his ey; and he that doeth the meanest duetie to them, or withholdeth the meanest benefite from them wherunto he is bound, he accompteth it done unto himself; and whose severitie is so great, that suppose he suffer long, yitt at last he will be avenged for the cryes of his elect? And if his severitie be so great, that even for the omissioun of the meanest dueteis he will inflict eternall torment, what then will the wrathe be, which he reserveth for the withholding of the onlie meane of eternall salvatioun from so manie thowsand soules?

"If it were but our owne lives allanerlie, we could be silent; but seing it is so great a matter, as concerneth so highlie the honour of your Majestie, God, and the eternall salvatioun of suche numbers which he has bought with his blood, we doe not, nor darre not, keepe silence therof unto, your Majestie. And, therefore, forced and constrained thereto by the inevitable necessitie of that most holie calling layed upon us, and that most assured wrath that would undoubtedlie overtake us, if we made not our humble, and yitt loving and faithfull wairning to your Majestie, that nather the bygane guiltinesse may be continued, nor yitt other greater be added thereto, the which will not faile, if it be not repented, and pardouned in the blood of his Sonne, to bring on an assured and most lamentable judgement, the which, from our hearts, (the Lord is our witnesse,) we deprecat day and night; protesting heere before God and his elect angels, that we speek this with our duetifull reverence to your Majestie, as the Lord's lieutenant heere upon earth, and as our onlie lord and lawfull soverane under God, over us, in all things belonging to this life, and the life it self; unto whom we are bound in conscience, and give all things that God in his Word has ordeanned and commanded to be givin by anie subject to anie prince under heaven; reserving onlie to God, that which is, and which he will not give to anie creature, as his owne incommunicable glorie and authoritie. Of the which sort we accompt these

two to be; first, the authoritie of the meetings of the servants of Christ for the effaires of his kingdom, which is from heaven onlie, and not from men; and that in the doing of the ordinarie duetie of our calling, approved by all lawes, we have nothing justlie offended your Majestie, nor violated your Hienesse' lawes, but in simplicitie have served our God in the same. Nixt, that soverane judgement of all the effaires of his hous and kingdom belongeth onlie to his kirk, according to the same Word, whose voice the Father has commanded onlie to be heard; and that the ministeriall judgement therof belongeth onlie to his kirk, according to the same Word. To the which allanerlie he has givin the keyes of his kingdom, and from the which we doe not exclude your Majestie, as an honourable member of his bodie, wherunto by vertue of that supereminent power the Lord has givin unto your Majestie, we acknowledge that it belongeth to see the whole worship of God directed and administrated according to his Word, in commanding all to be done as he has commanded, and forbidding all that he has forbiddin; no wise inhibiting that which he has commanded, nor commanding that which he has inhibited to be done: yea, and farther, to punishe whomsoever within your owne dominiouns that is found by the true and lawfull judgement of the kirk, according to the Word, to be ather contemners or neglecters therof.

"And in holie feare of our God, and humble reverence of your Majestie in him, we doe present this our duetifull testimonie and supplicatioun, for our libertie, together with our greeves and supplicatioun presented to the parliament, but not receaved; hoping that our good God, in whose hands the hearts of princes are, sall returne from your Majestie an answere confortable to the sancts, joyfull to our desolat congregatiouns and us, to the glorie of our God, and your Majestie's praise in him; to whose mercifull and blessed protectioun we most heartilie recommend your Majestie's kingdoms, governement, and whole effairs.

"Your Majestie's most humble supplicants,
and daylie oratours in God, &c.

"From the place of our imprisounment, the 23d of August, 1606."

The letters directed from the imprisouned to the ministers sent for to court did muche incourage them, and were, as it were, an admonitioun to them, to bewar that they damned not their proceedings.

THE EIGHT MINISTERS GETT PRESENCE.

Upon Fryday, the 19th of September, they went to Kingstoun, where Mr Johne Gordoun, Deane of Salisburie, attended upon them at his Majestie's directioun, to make them plyable als muche as he could. The day following he convoyed them to Hamptoun Court, where they gott presence immediatlie after the king's dinner, his Majestie yitt sitting at table, and were admitted to the kisse of his hands. After some few words to Mr James Balfour tuiching his long beard, and the order takin with the pest in Edinburgh, they were dismissed with a favourable countenance, and returned to Kingstoun, where they dynned with the deane at his loodging. After noone, whill they were walking by the river, the Deane of Westminster, directed by Mr Johne Gordoun, desired them to be present the day following, which was the Sabboth, in the king's chappell at Hamptoun Court, to heare sermoun. When they came, they were convoyed to the chappell, and placed in a desk by themselves hard by the preacher. Bishop Barto made a sermoun before the king, queene, and nobles, weill cunned and fynelie compacted, in a booke of the volume of a New Testament in decimosexto, upon Acts xx. "Take heed to your selves and the flockes," &c. After noone they were convoyed to the queen's closet, where they dynned on the king's meate. The Deanes of Westminster and Salisburie attended upon them. They marked and caried to the king this speeche of theirs, that our bishops had made a pactioun with the sacrilegious lords to wracke the patrimonie of the kirk; for at the last parliament, where the gifts of our new bishops were confirmed, they sitting and voting in parliament without anie commissioun from the kirk, seventeene prelaceis were erected in temporall lordships; and that was the first fruict,

forsuith, of their vote in parliament. The day following, among other speeches, the king made apologie for himself and the parliament, alledging, that it was done upon conditiouns of providing of everie kirk of these prelaceis with a sufficient stipend, wherin he was and sould be most carefull; and that the parliament had onlie confirmed that, which being his owne, he had dispouned as pleased him.

A CONFERENCE BETWEEN THE KING AND THE EIGHT MINISTERS.

Upon Moonday, the 22d, they were sent for to his Majestie, to speeke with him after dinner. Mr Alexander Hay was the messinger. When they came, they were admitted to the chamber of presence, where they were courteouslie receaved by the Bishop of Canterburie. The king came to the chamber of presence, accompanied with the Erles of Dumbar and Orkney, Lord Fleeming, Laird of Laurestoun, Sir Thomas Hammilton, the king's advocat, Mr Johne Spotswod, Bishop of Glasgow, Mr George Gladestains, Bishop of St Andrewes, Mr James Law, Bishop of Orkney, Mr James Nicolsone, Mr Robert Howie, Mr Patrik Schairp, Mr Andrew Lamb.

The hous was ushed incontinent by the Erle of Dumbar, and none suffered to stay within but the Scotish councellers and ministers, except onlie Doctor Montague, who was permitted to stand within, and keeped the doore. The king sitting before the table on his chaire, called on them to come neere about him, and entered to opin up the causes which moved him to write for them, almost conforme to the tenour of the proclamatioun, and the letter writtin to them. He gathered up in end all his speeche in two points, wherin he was to be through with them for the peace of the kirk: the one, about the pretended Generall Assemblie, (so he termed it,) holdin at Aberdeene, and the proceedings of these ministers which followed therupon; the other, how there might be an ordinar and peaceable Generall Asssemblie keeped, to sett all things in quietnesse and good order. Mr James Melvill was

appointed by the ministers to be their speecheman, becaus of the gravitie, wisdom, and grace which he had in outward shew with his Majestie. For avoiding of all confusioun and offensive speeches, they had agreed among themselves to give no present answere to anie things to be propouned, but to take all to good advisement. So Mr James answered, "Please your most excellent Majestie, after we receaved your Majestie's letter, we mett together at Edinburgh, and reading the samine, were muche rejoiced to have so good occasioun to see your Majestie's face, and kisse your hands; but muche more, when we perceaved the purpose of your Majestie's letter to tend to the interteanement of the peace of the Kirk of Scotland, in that estat wherin your Majestie left the same, and to testifie your Majestie's love and affectioun thereto, conforme to your Hienesse' letters, from tyme to tyme sent to some of our synods and presbytereis, to the commissioners of the Generall Assemblie, and most amplie to your Majestie's honourable counsell. So that howbeit diverse of us, for sickenesse and knowne inabilitie, might have excused our selves, yitt we resolved all to come unto your Majestie even with alacritie and diligence, preventing the day appointed, least weather, or anie other accident, might have impeded. And now, finding your Majestie in health, wealth, and high honour, and testifeing the same things by your gracious mouth, with so favourable countenance toward us, we can not expresse our joy, and how propense our dispositioun is to serve and pleasure your Majestie, in what can ly in us in God. But your Majestie's letter did beare no particular, nather before this tyme have we heard of anie. We would, therefore, most humblie desire your Majestie to give us tyme to advise, and we sall returne answere the best we can."

Therafter, there was a great tyme spent in reasouning upon the presbytereis sending commissiouners, after the receaving of his Majestie's commissioner's letter for the discharging of anie Assemblie to hold at Aberdeene. *Item*, Upon the proceedings of the Synod of Fife. *Item*, Upon the praying for the convicted brethrein; and, Last, upon Mr James Melvill's letter, directed to

the synod of Fife. They answered at that tyme off hand, this muche: As for the presbytereis, manie of them had not gottin advertisement, nor receaved letters before the day; that those who had receaved, considering that there were weightier reasouns for holding the Assemblie than deserting, resolved to send their commissioners to keepe the day appointed by his Majestie, the law standing, which is the most authentick testimonie that a king can give, as his Majestie himself declared in opin Assemblie holdin at Dundie; the enemeis being so bussie and peart, manie references, appellatiouns, and other maters lying untaikin order with, which can not be ordered nor helped without a Generall Assemblie: and last, which was greatest, fearing to lose the right and possessioun of a Generall Assemblie, which would expire of it self, if there were not a sett day appointed. As for the synod of Fife, they sent their judgement in writt to manie of the rest of the synods, and so, no doubt, could not but come in his Majestie's hands; but in their meane judgement the words were so conceaved, that it could nather prejudge the Generall Assemblie, nor his Majestie's royall power, nor the brethrein who were in waird under his Majestie's mercie. As concerning prayer for them, they confessed they did so; nather could they omitt that commoun duetie for their brethrein, which was extended even to malefactors, for their amendiment.

As for Mr James Melvil's letter, the king said, "I heard, Mr James, yee wrote a letter to the synod of Fife holdin at Cowper, where there was muche of Christ, and little good of the king: by God, I trow yee were raving or mad, for yee speeke otherwise now: was that a charitable judgement yee had of me?" "Sir," said Mr James, with a low courtesie, "I was both sore and sicke in bodie when I wrote that letter, but sober and sound in minde. I wrote good of your Majestie, assuring my self and the brethrein that these articles, wherof a copie came in my hands, could not come from your Majestie, they were so strange. And of whom sould I speeke or write good, if not of your Majestie, who is the man under Christ that I wishe most honour and good unto?" "But where

are these articles?" said the king. "The copie that came in my hands is at Londoun, Sir," said Mr James. Sindrie of the bishops and commissioners of the Assemblie said, that manie wrong copeis were sent abroad, and some verie odious, wherof one might have come in Mr James his hand. So that point was left. The king presuming the first two heeds, dismissed them, and willed them to advise upon an answere against the nixt day. They were convoyed through the gairdin and parke by Sir David Murrey. They were skarse entered to their loodging at Kingstoun, when they receaved a letter from Mr Alexander Hay, secretar in the Scotish effaires, warning them in the king's name to come to sermoun to-morrow in the king's chappell, and therafter to dyne in the palace.

ANOTHER CONFERENCE BETWEENE THE KING AND THE EIGHT MINISTERS.

Upon Tuisday, the 23d of September, they went to Hamptoun Court, and satt in the place appointed for them in the chappell, the king and queene being present. Doctor Buckrage preached on Romans xiii. 1, "*Omnis anima potestatibus superioribus subjecta esto*," &c. Although he dealt not so naughtilie as Barto, Bishop of Rochester, did of before, yitt still he joyned Pope and presbyterie together diverse tymes, as enemeis to the king's supremacie, and of one judgement in that mater, whether of ignorance or malice it is uncertane. All he had was taikin out of Bishop Bilson's booke of Obedience. After dinner, remembring that they were to be called *coram* [they] prayed, and after prayer tooke this resolutioun, that Mr James sould onlie speeke in their name, unlesse others were commanded or asked: that the said speekesman sould declare, that they could not judge of the Assemblie at Aberdeene, for the reasons following:—1. His Majestie had indicted by proclamatioun a Generall Assemblie, wherin his Majestie expected a reparatioun of all disorders, in so farre as belonged to the censures of the kirk. If they sould now ather condemne or absolve, they could not be heard, after having committed suche a prejudice. They called to

remembrance a practise used by his Majestie at the Assemblie at Montrose, where the commissioners of the presbytereis of Lothian and Merce were rejected for the like. 2. *Res non erat integra*, but judged upon alreadie by the counsell, which they would be laith to contradict. 3. The judgement therof could not perteane unto them, *Nam quis constituit nos judices?* 4. Putt the cace they could be judges, and that the mater might be committed to them, they could not doe it lawfullie, *indicta causa et reis non citatis nec auditis.* This was their premeditated answere to the first heed. But the king tooke another course, which was, to oppose everie man in particular, to catche advantage of men's speeches and behaviour if it were possible.

They were sent for after dinner to come to his Majestie. Sindrie of the Counsell of England were admitted to the conference, the Archbishop of Canterburie standing at the king's right hand, the Erle of Salisburie, secretar, the Erle of Suffolk, chamberlane, the Erle of Worcester, maister of the horse, Nottinghame, Northamptoun, Lord Stennop, Lord Knollis, and sindrie other noblemen. Some bishops and deans stood at a doore behind the tapestrie, who now and then discovered themselves. Thither also the prince was brought, who stood at his father's left hand, with the forenamed Scotish noblemen, counsellers, bishops, and commissioners of the Generall Assemblie. Before the king entered, Mr Andrew Melvill desired the Erle of Dumbar to requeist his Majestie, that none be suffered to be present at the conference saving Scotish men, as was done on the Moonday before, least they speeking anie thing wherat his Majestie might be offended, he might take the samine after in the worst part, by reasoun of that auditorie; but it was not done.

The king, after resuming of the points left at the last day, came at last to be resolved of this questioun, in particular, Whether the Assemblie holdin last at Aberdeene was a lawfull Assemblie or not; and the proceedings of the ministers at the same, and afterward, were justifiable, yea or not? Mrs George Gladestains, Johne Spotswod, James Law, Andrew Lamb, latelie promoved to their

bishopricks; Mrs James Nicolsone, Patrik Schairp, Robert Howie, Laurestoun, the Grand Commissioner, were first asked, for the king said, "I will beginne at you, bishops and commissioners." They all answered without anie scruple, that they ever damned that Assemblie, and the proceedings of these brethrein, as unlawfull. Then the king demanded of Mr Andrew Melvill, who stood nixt in order to them, saying, "Yee see how your brethrein heere cannot justifie these men, nor that Assemblie: what say yee therefore? whether thinke yee, that where a few number of eight or nyne, without anie warrant, doe meete, wanting the cheefe members of an Assemblie, as the moderator and scribe, conveening unmanerlie without a sermoun, being also discharged before by an opin proclamatioun, can make an Assemblie or not?" Mr Andrew answered, "Although I, for my part, have beene debarred from all Assembleis and publict meetings these manie yeeres, yitt, if it will please your Majestie to heere me, I will first satisfie your Majestie's propositioun, and then answere the questioun. And to your Majestie's propositioun, comprehending in it these objectiouns, I answere to the first thus: That in an Assemblie of the servants of Christ, wherof the number is not prescribed by a law, it is not lawfull to anie to disallow therof, seing two or three, conveened in the name of Christ Jesus, (which are the smallest number,) have the promise of his presence, who is their Lord and Ruler. Beside, rarenesse maketh not unlawfulnesse, in an ordinarie meeting established by law and practise. Lastlie, all that was done might lawfullie have beene done by a fewer number authorized with commissioun, as they were: for continuatioun requireth not full conventiouns. As for their warrant in meeting, 1. They had warrant from God's word; 2. His Majestie's lawes; 3. Their presbytereis sent them in commissioun to that effect, and after, approved their prorogating the day, (which was all they did,) and therefore were to be blamed, if anie thing was done amisse, and not the persons, who were onlie executers of their presbytereis' will and commissioun. To the secund, I answere, that the absence of a moderator and clerk was not *de essentia synodi*, and therefore the

one, to witt, Mr Patrik Galloway, moderator of the former Assemblie, absenting himself, the other, to witt, Mr Thomas Nicolsone, being present, but craving leave to be absent for that tyme, becaus of his weightie effaires, they might creat others in their places, according to the practise of the Church of Scotland, as is to be seene in the Register of the Generall Assemblie. To the thrid, I answere, your Majestie is informed amisse therin; for it is of veritie, that one of the pastors of Aberdeene, to witt, Mr James Rosse, made the sermoun before the meeting. As for the pretended charge givin the night before, I adjure thee in the name of the Kirk of Scotland, (turning himself to Laurestoun,) as yee would answere before the great God, in the day of the appearing of Jesus Christ to judge the quicke and the dead, to testifie the truthe, and to tell, whether there was anie suche charge givin or not." Laurestoun never opened his mouth to speeke one word.

Then his Majestie asked, What reasouns he had not to condemne the ministers. He answered, "If it please your Majestie to heare, I have these: 1. I am but a privat man, come upon your Majestie's letter, without anie commissioun from the Church of Scotland; and, therefore, seeing *Nemo constituit me judicem*, I cannot take upon me to condemne them. 2. Your Majestie hath, by vertue of your proclamatioun dytted heere at Hampton Court, (which he then produced,) remitted their tryell to a Generall Assemblie expecting then for reparatioun of wrongs; if anie be done. I therefore cannot prejudice the Church and Assemblie of my vote there, which if I give now, I shall be sure to have my mouth shott up then, as, by former experience, I and the rest of the brethrein have tryed before. 3. *Res est hactenus judicata* by your Majestie's counsell, (whether rightlie or not, that I remitt to the Lord, the searcher of all hearts, before whom one day they must appeare, and answere for that sentence:) sall I then take upon me to contradict your Majestie's counsell, and their proceedings? I thinke your Majestie would not be weill content heerewith. Lastlie, how can I condemne them *indicta causa*, not hearing both their accusers in objecting against them what they can, as also the

parteis themselves, in pleading for themselves? Untill the tyme, therefore, that I heere both parteis *utrinque*, I can say nothing." Mr Andrew answered thus in substance, after his owne maner, roundlie and freelie.

Nixt him in order stood Mr James Balfour, who being urged to declare his mindle, did desire his Majestie not to strait him, for the reasouns before alledged, (for what they had all thought upon, Mr Andrew Melvill speeking first had delivered;) as also, becaus he suspected his Majestie was informed of him amisse, and, therefore, whatsoever he spake would not be taikin in good part, but rather irritat his Majestie, which they were verie unwilling to doe. In effect, he answered as Mr Andrew Melvill had done before, and that otherwise he could not see how the peace of the kirk might be sattled. The king spent muche tyme with the first two, and perceaving how the mater went, seemed wearie, and asked Mr James Melvill. Mr James answered, "Sir, I will not wearie your Majestie: Therefore, please take my answere, which is this shortlie. There has beene muche tyme spent about the questioun. If it be *in Thesi*, sett it doun in writt, and we sall answere as we can; if *in Hypothesi*, your Majestie's demand is concerning presbytereis sending furth commissioners, and the cariage of the commissioners sent. As for the senders, I shew your Majestie yesterday what were their reasouns. If your Majestie find anie fault therin, lett the presbytereis that sent them in commissioun be punished, and not the persons sent. Their proceedings are alreadie censured by your Majestie and counsell, wherin, I am resolved with the perell to obtemperat, ather by obedience or patience. If your Majestie please to have it yitt farther judged by an Assemblie of the kirk, which is our wish, I cannot prejudge the judgement of the kirk. If in the meane tyme your Majestie will urge me to deliver my judgement of the mater, according to my conscience, unlesse the alledged wrongs done to them, and givin in writt to your Majestie's estats in the last parliament holdin at Perth, be considered, discussed, and rightlie judged, I would not for all the world condemne them. A copie of the wrongs we are earnestlie desired by

themselves to present unto your Majestie." With this he stepped fordward, and delivered them to the king in his hand. When as the rest were sporting, the king read them all over, and with an angrie smyle said, He was glade they were givin in.

Mr Robert Wallace followed. He regraited some delatiouns that were givin in against them, and then delivered his judgement, which was conforme to theirs that preceeded. Mr William Watsone was sharpe against Laurestoun, and layed the burthein of all upon him, but the other never replyed one word. Mr William Scot followed, and delivered his judgement in few words, agreeable with the judgement of all these that went before. The advocat craved licence of the king to deale with him. There was some reasoning betuixt them. Mr William spake with suche sobrietie, gravitie, and so skilfullie, that in the judgement of the noblemen and judicious audience, he had the upper hand so farre both in law and reasoun, that the advocat was ashamed. Mr Johne Carmichaell followed, and answered in few words conforme to the rest; for he was commanded to be short, becaus the tyme was spent. Last followed Mr Adam Colt, who answered shortlie for the same caus. All answered with reverence upon their knees, but freelie, to the admiratioun of the English, for their freedom and harmonie.

In end, Mr Andrew Melvill craving in humilitie licence to speeke, brake out in his owne maner, and plainlie avowed the innocencie of the brethrein in all their proceedings at Aberdeene. Therafter he recounted the wrongs done unto them at Linlithquo, as being present there as an ey and eare witnesse. He tooke up the advocat, Mr Thomas Hammiltoun, roughlie, and layed to his charge plainlie his favouring and spairing of Papists, his craftie and malicious dealing against the ministers, so that κατηγορος των αδελφων could have done no more against the sancts of God than he did at Linlithquo. For thus he spake to the advocate, "My Lord, you would doe God and his Majestie better service if yee bended your forces and speeches against your uncle, Mr Johne Hammiltoun, a Seminarie preest, and one Mr Gilbert Browne, Abbot of Newabbey, who have infected a great part of Scotland

with their superstitious dregs of Poprie; but these men's heads you have clapped, and shutt up the faithfull servants of Jesus Christ in prisoun; and still, my Lord, yee show your self possessed with the same spirit, for yee thinke it not enough to have pleaded against them in Scotland, using all the skill and cunning yee could, except now also yee continue κατηγορος των αδελφων." At which words, the king turning him about to the Archbishop of Canterburie, said, "What is yon he says? I thinke he is calling him out of the Revelatioun, the Antichrist; nay, by God, he calleth him the verie devill. Weill bowlled, brother Johne," said the king; and so rysing cuttedlie, and turning his backe, he said, "God be with you, Sirs."

Thus, in end, all these eight ministers gave their judgement; and seing that the king and his advocat stood onlie to querrell *apices, et rei medullam præterire*, they stood the stronger for cleering of the prisoners, so that whatsoever reasoun was omitted by one, was brought by another, everie one having a prettie tyme to advise upon his answere, seing the former speeker spent a quarter of an houre or more. In end, before he went out, he demanded of them what they thought of the other point, and what overture they would give to pacifie things? They answered, The best overture was to have a free Generall Assemblie, by which all jarres would be removed and quicklie quietted. They were dismissed, not without the great applause of the English there present, for their gravitie and boldnesse in the caus of God. It was not without God's providence that they were sent for, for the English were informed thereby of the truthe, which was before obscured by misreports. When they were gone out of the palace, and were a little on their way toward Kingstoun, Mr Alexander Hay sent for them, and in the utter court readeth to them a charge from the king, not to returne to Scotland, nor to come neere the king, queene, or prince's court, without speciall licence or calling for.

MR J. MELVILL URGED TO SUBSCRIBE THE INFORMATION OF THE IMPRISOUNED BRETHREIN.

Upon Wedinsday the 24th of September, Mr Alexander Hay, secretar for the Scotish affaires, wrote to them, and willed them in his Majestie's name, in all convenient speed to come to court. When they were come, Mr Alexander Hay shewed to Mr James Melvill, that he was directed by his Majestie to crave their subscriptioun to the scheate of paper which was givin in by him yesterday to his Majestie. Mr James answered, "Lett me see it, and write theron the answere which I made to his Majestie yesterday concerning the caus and maner of the deliverie, and I will gladelie subscribe the same, providing that yee will give him a copie of all subscribed in his hand." So Mr Alexander gave the instructiouns to Mr James to peruse and copie; which being done, the said Mr James wrote the answere and maner of the deliverie of them in the king's hand, as was before sett doun. Mr Alexander returned within a quarter of an houre, and shewed to Mr James that the king willed him to aske of whom he had these informatiouns, and when he gott them? He answered, In a packett from Scotland, delivered to him since he came, by whom he could not indeid remember; for the bearer was not knowne to him, and stayed not: he would not delate anie man upon uncertantie. Mr Alexander reported his answere to the king. Within halfe an houre after, the Erle of Glencarne and Mr Johne Gordoun came to them, directed from his Majestie, to desire an answere in writt, subscribed with their hands, to this questioun, What the king may doe in maters ecclesiasticall; and whether or not he had whollie the power of conveenning and discharging Assembleis? They answered, If it would please his Majestie, or them in his Majestie's name, to sett doun the questioun in writt, and subscribe it as from his Majestie, they would gladelie also sett doun their answere, and subscribe the same, sufficient tyme of advisement being granted,

becaus the mater was of great importance. But after some reasoning, they departed without answere. Not long after, Mr Alexander Hay returned, and shewed to Mr James that the king had read his answere, and wished him to be more laconick. Farther, desired, if it pleased him, to tell of whom he had these instructiouns at Londoun; for there was no danger of intercommouning, neither cared the king muche for the mater. He answered, That in his conscience he was not weill remembred, nor was acquainted with the man that delivered them; to putt anie man in the king's head upon conjecture he would not. Le Conte de Vaudemant, brother to the Duke of Loran, the generall of Venetian infantrie, was looked for at court, who came on the morne with eightie gentlemen in traine, so they had three dayes to refreshe themselves.

THE EIGHT MINISTERS AT DR ANDREWES' SERMOUN.

Upon the Lord's day, the 28th of September, they were writtin for by Mr Alexander Hay to come to court. There was prepared for them a royall service in the king's chappell. Dr Andrewes, Bishop of Exeester, preached upon the tenth of Numbers. He discoursed upon the two trumpets, and proved as he could, at large, the conveening and discharging of councels and assembleis to belong to Christian kings and emperours. Being at supper, they were writtin for by Mr Alexander Hay to be at court the day following, before eight of the clocke, becaus the Scotish counsell was to deale with them.

THEY WERE CALLED TO THE SERVICE IN THE KING'S CHAPPELL.

Upon Moonday the 29th they went to court as they were desired. That day was solemnelie keeped in honour of Saint Michaell, with musick and high service in the king's chappell. They were willed to come to the chappell by the king's expresse command, namelie, Mr Andrew and Mr James Melvill. Mr James told Mr Andrew by the way that this was to trappe them, and to assay their

patience. There they saw the king and queene offer at the altar, wheron were sett two bookes, two basins, two candlesticks. A German being present, said, "*Ego nunquam vidi talem cultum. Nihil hic profecto deest de solemni missa, præter adorationem consecrati panis.*" The Conte de Vaudemant and his companie might have seene easilie what unioun might have beené made betuixt the English and Romish Service. Upon occasioun of this solemnitie Mr Andrew Melvill made the epigramne, for which he was troubled afterward, beginning thus:—*Cur stant clausi, &c.*

A CONFERENCE BETWEENE MR J. MELVILL AND DOCTOR MONTAGUE.

They waited on all the forenoone, and in the meane tyme, Mr James Melvill, as he was walking up and doun the great hall of the palace, foregathered with Doctor Montague, deane of the chappell, who was comming by, with whom he fell in conference. "Will it please you, Sir," said Mr James, "to be favourable to us in our caus, and to intreate his Majestie?" "I can not," said he, "becaus yee are against the estat of bishops, which has beene in the Christian kirk these fyfteene hundreth yeeres." "Not, Sir," said Mr James, "this sort of bishoprick, in medling with civill effaires, but since the Pops of Rome declared themselves to be the great antichrist." "Ye are against our bishops and church," said he. "If yee trouble not us, we doe not trouble you," said Mr James. "Yitt," said Montague, "yee made mentioun of our bishops in your protestatioun givin in to the parliament at Perth,"—and withall, draweth out the protestatioun of his bosome, and pointed out the place, where it maketh mentioun of Papisticall and Anglican bishops. "The corruptiouns of them," said Mr James, "which words yee omitt: and thinke yee that they have no corruptiouns?" "I thinke there be too manie," sayes Montague, "but yee denie the king's supremacie." "No supremacie that he sould have," said Mr James. "But," sayes he, "the supremacie in the minis-

must have it. The Pope can not have it, say we all: the presbyterie hath it, by Mr Calvin's judgement." "Ay, Sir," sayes he, "and that is our judgement," said Mr James. "Ay, Sir," said he, "and that is treasoun in England, for the prince has it by our lawes." "But not by our lawes," sayes Mr James. "But you must have it so," said he, and so abruptlie left him. When they had waited on till after twelve houres, they were taikin by a freind to the Duke of Yorke's hous, where they were weill interteanned by the Ladie Carie.

THE EIGHT MINISTERS CALLED BEFORE THE SCOTISH COUNSELL.

The counsell being sett in the meane tyme, sent for them diverse tymes, till they beganne to be angrie. The ministers had stayed the longer, becaus they were hungrie. *Sederunt* in the Erle of Dumbar's hous, the Erles of Argile, Glencarne, Orkney, Wigtoun, Dumbar; the comptroller, the advocat, the Abbot of Lindores, Mr Peter Young, the Laird Kilsyth. They resolved, before they compeered, to answere nothing presentlie, but to take to advisement; but manie keeped not that resolutioun. When they compeered, Dumbar shew to them, that it was his Majestie's will, that the counsell there conveened sould deale with them severallie, and to crave their answeres to certane heeds, wherin they were to pray them to give cleere answeres for satisfactioun of his Majestie; and to goe furth and come in, as they were called on. Mr James Melvill was first called on, and demanded by the advocat, 1. Whether he prayed for the imprisouned brethrein? 2. Whether he allowed the keeping of the Assemblie holdin at Aberdeen, and the declinatour givin in to the counsell, by them who keeped it? 3. Where was his letter writtin to the synod of Fife? &c. He answered, "I am a free subject of the kingdom of Scotland, which hath lawes and priviledges of the owne, als free as anie kingdom in the world, to the which I will stand; there have beene no summouns lawfullie executed against me; the noble men heere present, and I, are not in our owne countrie; the charge *super inquirendis*

was long since condemned as unjust; I am bound by no law to accuse my self, by furnishing dittay against my self." He desired the noblemen present to remember what they were, and where they were, and to deale with him, howbeit a meane man, yitt a free borne Scotish man, as they would be content to be used themselves, that is, according to the lawes of the realme of Scotland. The advocat notwithstanding urged him to answere, with whom he interchanged some sharpe speeches. He told him, that howbeit he had not studied the lawes as he had done, yitt he had learned his logick, and taught it in schooles. The Erle of Dumbar said, "Mr James, will yee not deigne his Majestie with an answere?" "With all reverence," said Mr James, "if I may know the questioun, and have tyme to advise upon a good answere." "Yee sall have that," said Dumbar: "I understand yee have a supplicatioun sent from the ministers in prisoun to the king: will yee give it me?" "Yes, my Lord," said he, "and I humblie intreat your Lordship to present it to his Majestie, and to helpe, so farre as your Lordship can." So he delivered it to him, and then was willed to remove to his bed-chamber, there to stay till he were called agaln. The rest were called on by course, and sent in to the bed-chamber, where Mr James was. Mr Andrew Melvill being called last, told them plainlie, they knew not what they were doing: they were degenerated from the ancient nobilitie of Scotland, who were wount to give their lives and their lands for the freedome of their countrie and the Gospell; but they were bewraying and overturning. It becoming late, they were dismissed till the nixt day.

THE EIGHT MINISTERS AT DR KING'S SERMOUN.

Upon Tuisday, the 30th of September, they were againe called to sermoun, before the king's removall from Hamptour Court. Doctor King made a most virulent invective against the presbytereis, crying to the king, "Doun, doun with them!" All the four sermouns to which they were called, made by Doctor Barlo, Bishop

of Rochester, Doctor Buckridge, Doctor Andrewes, and Doctor King, were sett furth afterward in print.

This day, the king entered in progresse with the Count Vaudemant; and becaus there was muche bussinesse, it behoved them to have patience.

The same day, the brethrein returned their answeres in writt, to the articles delivered to them the day before, everie man severallie, all to one effect, as they had answered the day before by word.

A PROCLAMATION DISCHARGING MINISTERS TO PRAY FOR THE IMPRISONED.

In the meane tyme that the brethrein were thus used at court, there was a proclamatioun at the Mercat Croce of Ediñburgh, upon the 13th of October, against the imprissoned ministers, the tenour wherof followeth:—

"By the King.

"Wheras diverse of the ministrie of that our kingdome of Scotland, patrons as it seemeth, and allowers of that contemptuous conventicle held at Aberdeene, the secund day of Julie, 1605, by a little handfull of the basest and most ignorant of that professioun, whose seditious proceeding being first condemned by our counsell in that kingdome, and therafter the same by the commissioners of the Generall Assemblie declared to be no lawfull meeting, and the principall authors of the said conventicle having incurred the paines of treasoun for their treasonable declynning of our counsell's authoritie, for which they were convicted in a Justice holdin at Linlithquo, the 10th of Januarie last past; do not spaire in their ordinarie sermons and exercises, and in their prayers, to remember these convicted tratours, as distressed, afflicted, or persecuted brethrein, praying for their deliverie; implying us thereby to be tyranns, and our governement tyrannicall, to the high contempt of us, our authoritie, and without all exemple anie tyme formerlie observed in anie Christiane church:

"Our will and pleasure is therefore, that by opin proclamatioun at the Mercat Croce of our burgh of Edinburgh, and all other places needfull, in our name and authoritie, all and whatsoever ministers of that our kingdom be inhibited and discharged, that none of them presume at anie tyme heerafter to remember in their sermouns and prayers anie of these convicted tratours, or anie other of their brethrein who are in waird, as guiltie of the same treasoun; nather anie way make mentioun of them, ather generallie or particularlie, in anie of their publict exercises, ather of preaching or prayer, except it be in disallowing of their proceedings; under the paine of death, to be inflicted with all rigour upon suche as will presume to contraveene the command of this our present charge. Commanding heereby expresslie the lords of our counsell, shireffs, bailliffes, and all other magistrats whatsoever, als weill in regalitie as royaltie, proveists and bailliffes of all burrowes and touns, and all barons and gentlemen of anie qualitie within that our kingdom, that if anie of them be present at anie suche preaching or prayer, where these tratours and their fellowes sall be favourablie remembred, that incontinent, upon the end of the sermoun, they caus the minister trespasser heerin to be taikin, and committed to the nearest waird: and after acquainting of our counsell therewith, that they bring sufficient prooffe and verificatioun therof before them, to the effect the samine may be condignelie punished, and that others may be terrified by their exemple from committing the like. And our further pleasure and will is, that printed copeis of this our charge be delivered to principall magistrats both to burgh and landwart, and to all ministers of anie principall burghes within that our realme, that none doe anie way pretend ignorance therof.

"Givin at our court of Hamptoun Court, the 26th day of September 1606.

"God save the King."

Printed at Edinburgh, by Robert Charters,
Printer to the King's Most Excellent
Majestie, *Anno Dom.* 1606.

A PROCLAMATION AGAINST PAPISTS.

Least by this proclamatioun the king sould incurre anie suspicioun of declyning to Poprie, another proclamatioun was made against Papists, conforme to a charge givin at Hamptoun Court at the same tyme, to witt, the 26th of September. The tenour followeth:—

"Wheras during our stay in that our kingdome, we were ever carefull of the advanceing of true religioun, and of the suppressing of all contrarie professours; and having for that purpose caused make manie severall statuts, acts, and proclamatiouns, als weill against Jesuits, Seminarie preests, and excommunicated Papists, as against their recepters and interteaners, yitt becaus of this our late proceeding against these seditious ministers, keepers of that contemptuous conventicle at Aberdeene, some of these Papists and preests, as we understand, dreame to themselves of some oversight, as that this bussinesse in settling that misdemeanour of these ministers, and putting order thereto, might perhaps divert us from having anie regarde of them altogether; who being heereby emboldenned, have not spaired of late to kythe more openlie nor ever they did before tymes; and, as we understand, there is daylie resort of Jesuits and Seminareis thither, who are verie bussie with persons of all qualiteis in that our kingdome, preassing to draw them to their erroneous faith and doctrine: Wherin, how ever, we have had against that handfull of these obstinat seditious ministers, for that their contemptuous meeting at Aberdeene, most just caus of wrathe, yitt their personall offence moved us never to dislyke their functioun, or anie of the same, who were weill disposed; nather was our former resolutioun of suppressing and rooting out of that Popish antichristian doctrine anie way impaired or relented, by the fault of these ministers; but as, no doubt, all our good subjects are in their mindes fullie perswaded of our integritie and sinceritie, in the professioun of the true religioun, so doe we ever intend to sett fordward, all things that may advance God's glorie, and represse the enemeis of the same.

"And, therefore, our pleasure and will is, that a diligent regard be had by our counsell of that kingdome to putt all our lawes, statuts, and proclamatiouns made for staying the increasse of Papists, for apprehending of Jesuits, Seminareis, and excommunicated Papists, and for punishing of them, and suche as sould ather recept or interteane them, to due executioun, with all rigour and severitie; willing everie bishop within his owne diocie, and eache presbyterie within the owne bounds, to learne out where there may be anie just caus of complaint therof, and to certifie our counsell of the same, to the effect they may take exact order therewith, and inflict the due punishment upon the offender, which by the law is prescribed. And heerof our will is, that publicatioun be made by opin proclamatioun at the Mercat Croce of Edinburgh, and all other places needfull, that none pretend ignorance of the same; and that suche as have gone astray may conforme themselves in due tyme, otherwise to exact the extremitie of the law to be executed against them. Wherin we would have these whose charge it is to proceed with ecclesiasticall censure against contrarie professours, to have a speciall care of their duetie in that point; and as we sall have notice givin to us of anie suche persons, we sall, with our sword of justice, minister the rigour of the law against them.

"Givin at our court of Hamptoun Court, the 26th day of September 1606.

"God save the King."

Printed at Edinburgh, by Robert Charters, Printer to the King's Most Excellent Majestie, *Anno Dom.* 1606.

THE EIGHT MINISTERS AGAIN CALLED BEFORE THE SCOTISH COUNSELL.

Upon the secund of October, the brethrein at court were again called before the Scotish counsell. Three articles were delivered to them in writt, wherunto they were willed to make answere by

writt, everie one severallie, and to take what tyme they pleased; and it was permitted to them to goe where they pleased, providing they went not farre from court, and made the place of their abode knowne, that they might be found, when it pleased his Majestie to call for them. The ministers desired the counsell to subscribe the articles. They refused, but commanded Mr Alexander Hay to subscribe them.

ARTICLES WHERUNTO MR ANDREW MELVILL, MR JAMES MELVILL, MR JAMES BALFOUR, MR ROBERT WALLACE, MR WILLIAM SCOT, MR JOHNE CARMICHAEL, MR WILLIAM WATSONE, AND MR ADAM COLT, ARE DESIRED, IN HIS MAJESTIE'S NAME, TO GIVE THEIR DIRECT ANSWERES, EVERIE ONE OF THEM SEVERALLIE FOR THEMSELVES.

"I. Whether if they have not transgressed their duetie, in making publict prayers for the brethrein in waird; and are willing to crave his Majestie's favour therefore, seing their said brethrein abide in waird for just causes, and by a just sentence of a lawfull judge, standing unquerrelled and unreduced?

"2. Whether they acknowledge his Majestie, by the authoritie of his prerogative royall as a Christian king, to have lawfull and full power to convocat, prorogat, and desert upon just and necessar causes knowne to him, the assembleis of the kirk within his Majestie's dominiouns?

"3. If his Majestie, by his authoritie royall, has not sufficient and lawfull power to call and conveene before him and his counsell, whatsomever persoun or persons, civill or ecclesiastick, for whatsomever faults, and give sentence theranent; and if all his Majestie's subjects be astricted to compeere, being cited before his Majestie and counsell, to answere, acknowledge, and obey his Majestie and counsell's judgement in the said offences? 2 Octob. 1606.

"The articles abovewrittin by his Majestie's counsell, appointed

to be delivered out of my hand to the ministers above-mentiouned, by his Majestie's speciall command,

"ALEXANDER HAY."

A CONFERENCE BETWEENE THE ARCHBISHOP OF CANTERBURIE AND SOME OF THE EIGHT MINISTERS.

After they had gottin dispatche at court upon Thursday, the secund of October, they went doun that same night by water to Westminster. Upon Moonday, the sixt of October, Mr William Scot and Mr William Watsone were sent for by the Archbishop of Canterburie, and after long conference, he propouned to them three questiouns, which he would have givin them in writt, but they would not receave them, least that sould have drawin on a dispute. The questiouns, as they remember, were these following:—

"1. Whether if in anie of the ancients, the name of presbyter was found givin to anie that teached not the Word, and ministred not the sacraments?

"2. Whether the name of bishop in the ancients was found givin to anie one who had not superioritie above the presbyters, and rest of the clergie?

"3. Whether ever among the ancients we read of a presbyterie or ecclesiastick senat, that had not in and above it a bishop?"

The archbishop had gottin directioun from the king to travell with them all, and to convert them, if he could. But he found these two so hard of his lore, that he despaired to call again for them, or anie moe of their number.

At this time they understood that there were an hundreth missive letters to be directed to Scotland, for some mater of great importance, which afterward they understood to be the conventioun at Linlithquo.

MR J. NICOLSON RESOLVED TO TAKE ON THE BISHOPRICK.

Upon the 13th of October, they penned a supplicatioun to his Majestie. Mr William Scot, Mr Johne Carmichaell, and Mr James Melvill, conferred with Mr James Nicolsone verie freelie. They found him a man farre changed in his opiniouns, and resolved to take the bishoprick of Dunkelden, latelie bought to him by the king from Mr Peter Rollock for twentie thowsand punds.

MR J. MELVILL'S INSTRUCTIONS TO WORMESTON.

Upon Tuisday, the 14th, the Laird of Wormestoun conferred with the Erle of Dumbar, having instructiouns from Mr James Melvill, becaus it was not thought meete he sould come to him himself. He counselled him to take up the mater betwixt the king and them; for if the king would proceed with severitie, they were resolved to suffer, but if he would take it up, and deale with them fairlie, there was nothing agreeable to reasoun but they would condescend to it. Farther, that it was not good the bishops sould want a partie to hold in their hornes, &c.

THE EIGHT MINISTERS' EXPENCES PAYED.

Upon Wedinsday, the 15th of October, the Erle of Dumbar sent Robert Fowsie to their loodging, with eight scheats of gray paper, full of English money knitt up in forme of sugar loaves, conteaning five hundreth merks a piece to everie one of them, for their charges and expences in comming to court.

DUMBAR REFUSETH CONFERENCE WITH THE EIGHT MINISTERS.

The eight dayes following, they assayed diverse tymes to have had conference with the Erle of Dumbar, by two of their number, but against Mr James Melvill his advice. They were not admitted,

and yitt all were querrelled after, that he was not knowne. But it was thought that this was done of policie.

THE SIX MINISTERS BANISHED.

In the end of September, after the actioun of the brethrein at Hamptoun Court, Mr James Elphinstoun, secretarie, was directed home, with commissioun to pronounce the sentence and doome against the prisoners in Blackenesse; and unlesse they would confesse an offence, to see that they be banished the king's dominiouns; namelie, the six attainted of treasoun. So, upon the 23d of October, there being a conventioun of the nobilitie in Linlithquo, the ministers convicted of treasoun were ordeanned, according to the king's directioun, to be banished the king's dominiouns. The rest who were wairded in Stirline, Downe, Dumbartane, were to be confynned in barbarous parts, as the Lewes, the Iles, Kintyre, Ireland, Cathnesse, and the place of confynement for everie one of them designed. Others report, that upon the 23d of October, in presence of the Justice and sindrie of the Privie Counsell, the six ministers convicted of treasoun were ordeanned to be banished the king's dominiouns for ever. Upon the sixt of November, about foure afternoone, they were desired to come to the boat, which was prepared for them by the water bailliffe of Leith and Edinburgh. They came, accompanied with some of their dearest freinds and wives, to the peere. Mr Johne Welshe conceaved a fervent prayer upon the shore of Leith. The prayer being ended, they tooke good night of their freinds, wives, and acquaintance, entered in the boat, remained a good space waiting on the skipper. Becaus he was not readie that night to goe a boord, the water bailliffe desired them ather to goe a boord, and ly in the shippe that night without the skipper, or ellis to goe to their loodging, and to be readie at the nixt call. They choose rather to goe to their loodging, and that not without a providence; for that night there fell furth suche a storme, that the shippe was forced to ly in Kingorne raid all that night. They were called on again by two

houres of the morning, and manie people were attending on their boating. Prayer being conceaved as of before, they embarked with singing the 23d Psalme. The people were muche moved with their exhortations and prayers, prayed heartilie for them.

THE PEST SPREADING IN THE MEANE TYME.

All this yeere, the pest spread through manie parts of the countrie, and raged in some parts, speciallie in the toun of Air, Stirline, Dundie, and St Johnstoun. The pest had not beene in the toun of Air before for the space of sixtie or eightie yeeres. So they were not onlie deprived of a faithfull pastor, Mr Johne Welshe, but also visited by the plague of pestilence.

THE EIGHT MINISTERS' ANSWERE TO THE THREE ARTICLES.

Upon Tuisday, the fourth of November, Mr William Scot and Mr Johne Carmichaell went to Westminster, and conferred with Mr James Nicolsone, but were not weill pleased with his part. Alwise, they delivered to him the answeres of their brethrein to the articles givin in by the counsell, and their greeves, for so the king had desired. The substance of their answeres and greeves followeth, for they agreed in substance, howbeit some were more ample than others: and becaus they were traduced as unreverent, rebellious, and of one minde with the Papists, tuiching the supremacie, they used the greater submissioun. Mr James Melvill's answere heere followeth:—

"*With all submissioun, humilitie, and reverence to the king's sacred Majestie, and with all heartilie affectioun to his grandour, and extolling above all men upon the face of the earth, James Melvill makes answere to the questiouns propouned by his Majestie's most honorable counsell.*

"1. I can not conceave a transgressioun of duetie in praying for

our brethrein, the command and warrant being so cleere in the Word of God, 1 Tim. ii. 1; 1 Johne v. 16; Heb. xiii. 3. And if I could conceave anie, prostrat at his Majestie's feete, with my face on the ground, I would most willinglie crave pardon and favour.

"2. The lawes of the realme, the judgement, practise, and constitutiouns of our kirk, are cleere heeranent; and if there remaine anie doubt, lett it be resolved in the nixt Generall Assemblie, to the which by the whole synods it is referred.

"3. The thrid is civill, for the most part of manie interrogatiouns, and can not therefore be simplie answered; and if to be doubted of, it is by lawyers and estats of the realme to be resolved. And as for the judging of ministers in maters spirituall and mere ecclesiastick, as concerning their calling and points of their ministrie, the which they have of and in Jesus Christ and his kirk allanerlie, together with the jurisdictioun of the kirk, what it is, and how it differeth from the civill magistrat's jurisdictioun and power, the statuts of the realme, the judgement, practise, and constitutions of our kirk, the king's Majestie's declaratioun at Linlithquo, and in diverse Generall Assembleis, are most cleere and evident. To the which I stand, till God teache my conscience better; protesting before that great God of heaven and earth, that if I thought it not a sinne against Jesus Christ, the Lord of lords and King of kings, and so most dangerous to the king's Majestie's persoun, crowne, and state, to ascribe and give anie farther to him, there is none living would be glader to imploy what lyes in his abilitie, for avouching, mainteaning, and standing for the same to his uttermost, than poore

"JAMES MELVILL."

THE GREEVES GIVIN IN BY THE EIGHT MINISTERS.

The caus wherefore they were deteanned about court was pretended to be, that they had not givin in their answeres and

their greeves. But in truthe, it was to deteane them till they had advanced their course at home, in the conventioun at Linlithquo. Therefore, Mr James Melvill advised them to give in their answeres and their greeves, before Mr James Nicolsone went home, who was now almost the onlie great counseller in all these maters.

THE GREEVES, AND ADVICE HOW TO PACIFIE THE TROUBLES OF THE KIRK.

"Please your most excellent Majestie to heare the greeves which your Majestie desired us to give up unto your Hienesse for redresse; as also, our advice anent the pacifeing of the estat of our kirk.

"We are greeved, that these foure yeeres the Generall Assemblie of the Kirk of Scotland has beene prorogued in so needfull and dangerous a tyme, when all estats are carefull of their priviledges, and Papists, atheists, and licentious persons, contemne the discipline of the kirk.

"We are greeved, that fourteene ministers sould ly yeere and day in waird and prisoun from their flockes and famileis, whill the hand of God is striking so sore, by the plague of pestilence among them.

"We are greeved, that the commissioners of the kirk who vote in parliament in name therof, have nather entered to that office, nor behaved themselves therinto according to the cautiouns and order sett doun by your Majestie, in the Generall Assemblie holdin at Montrose; and namelie, that these cautiouns ordeanned to be insert in the act of parliament which was to be made in their favour, howbeit offered by the commissioners of the Generall Assemblie, were refused and rejected at Perth.

"We are greeved, that the commissioners of the Generall Assemblie made not tymous and faithfull wairning to the presbytereis of the Assemblie appointed by your Majestie to be holdin at Aberdeene, which was the first caus of all this trouble; and yitt;

that some of them satt in counsell, and were over fordward in condemning the brethrein to prisoun.

"We are greeved at your Majestie's commissioner, Laurestoun, his unfaithfull, foolish, and false dealing at Aberdeene, the nixt and immediat caus of your Majestie's offence, and of the troubling of the brethrein.

"We are greeved at all the wrongs which these brethrein alledge done unto them; most humblie beseeking your Majestie to consider and mend them, as nixt under God to doe the same.

"We are greeved, that we are deteanned so long from our flockes and famileis, in tyme of their dangers of the plague, and other great necessiteis.

"All the which greeves, if it would please your Majestie to take to heart and redresse, we darre be answerable for it, that the estat of our kirk sould be pacified."

THE EXERCISE OF THE EIGHT MINISTERS.

Upon the fyft of November, the parliament of England sitting doun again, the brethrein were excluded from all actioun and dealing for themselves at court. In the meane tyme, they keeped an honest table altogether, wherunto resorted manie honest brethrein of the best sort. They keeped the exercise of the Word and prayer, with fasting and humiliatioun one day in the weeke, for the space of a moneth, speciallie for the bussinesses that the king and his commissioners were compassing at home in Scotland. In the meane tyme, they ceassed not to give in to their freinds their supplicatiouns to be presented to his Majestie. Upon the 21st of November, they penned the supplicatioun following, which Mr Alexander Hay presented to his Majestie, but he would not looke upon it.

THEIR SUPPLICATION TO THE KING.

"Please your most excellent Majestie,

"We, your Majestie's most humble subjects, the ministers of Christ in Scotland, having delivered five severall supplicatiouns to be presented to your Hienesse in our names, one to my Lord Dumbar, another to Mr James Nicolsone, a thrid to Mr Alexander Hay, the fourth to the Bishop of Orkney, the fyft to my Lord of Halyrudhous; and having receaved no answere as yitt, of your Majestie's gracious pleasure anent us, the conscience of our duetie has constrained us to continue humble petitioners to your Hienesse, as our just and Christian prince, whose favourable missive, cheerefull acceptatioun, gratious and royall speeches, and loving conference with us, and clement actiouns toward all in sending away humble suters with joyfull countenances, can not but give us undoubted assurance (it being most honourable to your Hienesse) of a favourable dimissioun to our countrie, flockes, and famileis, from the which we have beene now absent in the space of half a yeere in your Majestie's obedience. Manie thowsand soules of your Majestie's faithfull subjects concredited to our charge, perishing for want of the meanes of God's ordinance in our ministrie, are conjunct petitioners with us both to God and your Hienesse, in this purpose; we our selves wandering, as ydle men of no calling, to the shame of our professioun, from all imployment in our severall rowmes, wherin we may and ought to serve God and your Majestie, spending that moyen heere, wheron our famileis sould live at home; being also some of us through age, some through sickenesse and disease, and other incidents, wearisome unto our selves, through want of the necessarie conforts of our freinds and famileis. Therefore, in most humble maner we beseeke your most gratious and excellent Majestie, of your princelie wisdom and clemencie, to consider our manie supplicatiouns, our great necessiteis everie way, the desolatiouns of our flockes, and heavie greeves of our famileis; that being dismissed in your Majestie's favour, with licence and

meanes to returne home, we may the more cheerefullie powre out our daylie prayers to God for your Hienesse' preservatioun, long and blessed governement over us all in this life, with a crowne of glorie to your Majestie in the life to come, through Jesus Christ."

THE EIGHT MINISTERS' SEVERALL WAIRDS DESIGNED.

The effect they found of their supplicatiouns was this: Upon the Lord's day, the 23d of November, Mr Alexander Hay came to their loodging, sent as he said from the king, and intimated an ordinance of the king, for wairding of everie one of them with a severall bishop; so muche was their remaining together invyed. The king, and bishops, namelie, Canterburie had their spies, who, under colour of freindlie visitatioun, reported both their speeches and actiouns. Mr Andrew Melvill was to be wairded with the Bishop of Wencester, Doctor Bilsone; Mr James Balfoure, with Norwiche, Doctor Gigon; Mr William Scot, with Peterborough, Doctor Dove; Mr Johne Carmichaell, with Doctor Matthew, Bishop of Yorke; Mr Williame Watsone, with the Bishop of Londoun, Doctor Vauchan; Mr Adam Colt, with the Bishop of Salisburie, Doctor Ravish; Mr Robert Wallace, with the Bishop of Rochester, Doctor Barlo; Mr James Melvill, with the Bishop of Durhame, Doctor James. This moved them all to great indignatioun, so that they were reasonablie sharpe with Mr Alexander. In end, he receaved this answere: "If we have committed anie cryme, lett us be judged orderlie, and punished; otherwise, we will not dishonour God, the king, nor our owne callings, to ly in suche men's houses, but will rather choose imprisounment or banishment." They besought him to intreate his Majestie to regard his owne honour, seing he had writtin for them; the honour of the countrie, and credit of their kirk, assuring him, they were no good counsellers who putt that in his head. This being reported to the king, they heard no more of that mater till a quarter of yeere after, yitt they were forced to breake up their societie. Before they sindered, they thought it needfull, that the foure

sermouns now published in print, sould be answered by Mr Andrew Melvill, Mr Robert Wallace, Mr Johne Carmichaell, Mr William Scott; the historicall part was committed to Mr James Melvill.

THREE OF THE EIGHT MINISTERS CALLED BEFORE THE COUNSELL OF ENGLAND.

Upon the last of November, Mr Alexander Hay willed by letter in the king's name Mr Andrew Melvill, Mr James Melvill, and Mr Robert Wallace, to come to his chamber at Quhythall, about one of the clocke. When they came, he told them there were some Latine verses come in the king's hand, for which they were to be troubled before the counsell of England; and so they were, by and by. Mr Andrew being called before the counsell, confessed that he had made suche verses, being muche moved with indignatioun to see suche vanitie and superstitioun in a Christian church, under a Christian king, borne and brought up sincerelie in the light of the Gospell; and speciallie, before idolaters, to confirme them in their idolatrie, and to greeve the hearts of the true professours. He said, he had a speciall purpose to have givin these verses to the king, and to have uttered his whole minde to his Majestie theranent, but could not gett accesse or occasioun; and had not givin them out as yitt to anie, and therefore mervelled how they could have come in his Majestie's hands. When the Bishop of Canterburie, sitting highest at the counsell-table upon the right hand, spake unto him, he tooke occasioun to tell him plainlie in his face, before the counsell, all that he thought. He charged him with all the corruptiouns, vaniteis, and superstitiouns of their charge, with profanatioun of the Sabboth, silencing, imprisouning, and bearing doun of faithfull preachers, holding up of antichristian hierarchie, and Popish ceremoneis. Taking him by the whyte sleeves of his rotchet, and shaiking them, [he] called them "Romish rags," and a "part of the Beast's marke." He told him if he was the author of the booke entituled English Scotizing, he esteemed him the capitall enemie of all the reformed

kirks in Europ, and would professe himself enemie to him and all suche proceedings, to the effusioun of the least drop of his blood. He said he was greeved at the verie heart to see suche a man have the king's eare, and sitt so high in that honourable counsell. He painted out Bishop Barlo likewise in his colours, and querrelled him for writting the conference at Hamptoun Court, wherin he reporteth the king to say, that he was in the Kirk of Scotland, but not of it, and other like horrible speeches; and mervelled that suche a one wās suffered to live unpunished exemplarlie, for making the king to be of no religioun. The sermoun made at Hamptoun Court he refuted breefelie, so long as he could gett audience. Oftin was he interrupted, and at last removed to a part by himself. Mr James was called in. The chanceller used him courteouslie, and praised him for his learning, gravitie, godlinesse, wisdom. He demanded two questiouns, as the king had commanded: 1. Whether he had writtin to Scotland the proceedings at Hamptoun Court? He answered he had, to satisfie his freinds, who at his departure were desirous to be informed how maters went. The archbishop asked how he had writtin? if he had justified his owne part, and condemned the king's? He answered, nather by way of justificatioun nor condemnatioun, but onlie had made a simple narratioun. Northamptoun insisted in the same point. He said, "I have answered, my lord." The chanceller said siclyke, "He has answered simplie and plainlie," and moved the other questioun, If he had seene certane verses writtin in Latine, against the ornaments of the altar of the king's chappell? He answered, he could not answere till he heard or saw the verses. They gave him the verses to read. Then he said, he had seene suche verses in his uncle, Mr Andrewe's hands, after the making of them at Hamptoun Court, and was privie to the greefe and motioun of his minde at that tyme. He asked if he had givin out anie copeis, or sent them to Scotland? He answered, none at all, and that he knew not of anie givin out by his uncle to anie man living, yea, he mervelled how they could come in the king's hand. He was commanded to remove. Mr Robert Wallace was called

in, and demanded the same questiouns. He answered after the same maner. After an houre's advisement, they were called in again. Lord Edgerstoun, chanceller, admonished Mr Andrew to joyne wisdom, gravitie, modestie, and discretioun, with his learning and yeeres. He was committed to the Deane of Paul's, to remaine with him during the king's will. The other two were commended to their owne discreit cariage, and gentlie wairned to take heed to their speeches, writts, and actiouns.

The epigramme for which Mr Andro was troubled heere followeth :—

The altar verses—Επιγραμμα Βαθυφρεν.

Cur stant clausi Anglis libri duo regia in ara ?
Lumina cæca duo, pollubra sicca duo ?
Num sensum, cultumque Dei tenet Anglia clausum,
Lumine cæca suo, sorde sepulta sua,
Romano et ritu, regalem dum instruit aram,
Purpuream pingit relligiosa lupam ?

THE COUNSELL OF ENGLAND'S LETTER AND WARRANT TO THE DEANE OF PAUL'S.

" Whereas one Mr Andrew Melvill, a minister of Scotland, hath, by the king's Majestie's commandement, beene called before us at the counsell boord, where he hath confessed himself to be the author of some certane verses, or rather a pasquill, tending to the scandall and dishonour of the Church of England ; for which his great offence he has beene censured to be restrained of his libertie, untill further proceeding sall be taikin with him, as sall seeme good unto his Majestie in suche a cace as this is, and by impunitie may prove to be ; you sall heereby understand, that his Majestie has made choice of you, for the present, to receave him in your custodie. Wherefore, in his Majestie's name, we require you furthwith to receave him accordinglie, to remaine in your hous at Paul's, not suffering anie to have accesse unto him, untill his Majes-

tie's farther pleasure heerin to you signified. It is also thought expedient, that your self doe at convenient tymes conferre with him in suche points, as yee sall find different from the discipline of the church heere established, for his better satisfactioun and conformitie; wherin by your good endeavoure, you may deserve verie weill of his Majestie and us. Not doubting of your extraordinarie regard heerunto, we bid you fareweill. Novemb. 30."

MR WILLIAM COWPER'S LETTER, WRITTIN TO THE BISHOP OF DUMBLANE ABOUT THE SAME TYME.

"BROTHER,—I have receaved your commendatiouns from B, which were needelesse, if yee had keeped your wounted heart. As for me, I never hated you. Your course wherin yee are entered I never loved. Although the fruicts you enjoy be sweet, yitt the end sall prove it never grew on the tree of life. Doing in a worke of conscience with doubting, turneth light in darkenesse, wherupon followeth induratioun; wherof it followeth, that manie in our kirk without feeling, are coursers against their brethrein that have done more good in the kirk, for the edificatioun of others, than ever themselves did; having nather eyes to see nor hearts to feele how dangerous their estat is, who can not rise, but with the falling of manie who in God have entered in this ministrie, closing the fountaines that God has opened. One of your owne told me, long er the last ministers went to England, that they were writtin for to reasoun; but the end proved prisoun, and no appearance of returning to some of them. These are the first fruicts of your preferment. Heere yee stand, and therefore I can not stand with you, except it be, to witnesse to God in my heart against you, that yee have gone wrong. Yee hope in this course to doe good; but it is hard for you to worke miracles. At least, yee will hold off evill. But how sall yee draw in a yoke with them that are drawing on evill daylie? Yee will not goe beyond the caveats of the Generall Assemblie. But the answere givin to the commissioners of the kirk at the last parliament by the chanceller, 'we enter not

bishops according to an act of the Assemblie, but according to that which they were an hundreth yeeres since,') *detexit fraudem.* I heard it givin, and so did the cheefe of themselves, A, B, C. Yee skarre at them whom yee were blyth to see; yee lyke not the light yee loved; yee compt these preachings unpleasant, wherin yee were wount to rejoice. These may tell you yee have fallin. Consider your self where yee was, where yee are now, *et quantulum illud sit, propter quod, nos reliquisti.* Thus, loving your self, and not your way, I end."

THE CONVENTIOUN OF THE MINISTRIE AT LINLITHQUO.

About the midds of November, the Erle of Dumbar tooke journey to Scotland. But before he tooke journey, Mr James Melvill, desirous to aske his counsell, sought conference with him, which was refused by him, becaus he would bid him doe nothing but satisfie the king. The Erle of Dumbar's returning to Scotland gave occasioun of reports, that the discipline of the kirk was to be subverted, and sindrie officers of estat were to be removed from their offices. But the reports and sinistrous suspiciouns were, by great dexteritie of the king's commissioners and their fitt instruments, removed. Wherupon the conventioun at Linlithquo was appointed; for some speciall ministers being now exiled, wairded, and confynned, they thought it a fitt tyme to sett fordward their course. About the beginning of December, letters were sent from his Majestie to everie presbyterie, commanding them to send suche men as were nominated in the missive to Linlithquo, the tenth of that instant, to consult and advise with some noble men for suppressing of Papists and removing of jarres in the kirk. In his missives he compleanned that he was frustrated of the expectatioun he had of the good issue of the conference with the brethrein at Hamptoun Court, and therefore desired this meeting that he might have their best resolutioun and advice for the peace of the kirk. These words in the missives made men beleeve that this meeting sould be onelie a preparative to a full Generall Assemblie. There

was no mentioun made in the missives of a Generall Assemblie, ather by name or by descriptioun. The secund Tuisday of May, which was the day appointed for the Assemblie by proclamatioun, was not altered by proclamatioun, nather was there in the missives sett doun anie motives to prorogate or prevent the day. Who, then, could be enduced to thinke that the secund Tuisday of May was prevented? No intimatioun was made in the missives or by opin proclamatioun, that all that had interest might repaire unto it. Nather were the particular missives delivered to everie presbyterie, as was needfull, all having interesse, seing there was no other kinde of intimatioun. And yitt it was their purpose, if maters succeeded, to avouche it a Generall Assemblie. But fearing the successe, they would not give the name of a Generall Assemblie as yitt to that meeting. For the same feare, some presbytereis were not wairned; but upon the presbyterie day before the meeting, the brethrein sent for to court deteanned; privie letters were also directed to particular brethrein, wherin they were willed to keepe that appointed dyet, whether the presbyterie gave them commissioun or not. I have heere subjoynned a copie of the king's missive, sent to the presbyterie of Dumfermline, that the reader may judge whether it was the indictioun of a free Generall Assemblie or not:—

"Trustie and weilbeloved, we greete you heartilie weill. Our knowledge of the jealouseis and distractiouns of the late tyme, arising without anie necessar or essentiall caus in the Kirk of Scotland, the progresse wherof might tend to opin dissensioun among the pastors to their owne trouble, the evill exemple of our people, and our miscontentment, having moved us to send for a number of the ministrie whom we understood to be of knowledge and good experience, that by their informatioun the causes of these greeves might be truelie knowne, and the best meanes devised for removing suche unnecessar conventiouns, and reducing their proceedings to a settled and good order, for their owne quietnesse and our obedience; we have not receaved that satisfactioun of them which we expected, their answeres tending more to ignorance of these dis-

tractiouns and grudges, (which, to our greefe, are verie manifest to the world,) nor to anie advice of the remedeis therof: And becaus we could not be blamelesse of unduetifull negligence, if we sould leave anie good meanes unessayed which might bring readiest remeed unto bypast disorders, and best assurance for good order in the kirk, and obedience to our authoritie in tyme comming: Therefore, we have thought it necessar to appoint some noble men, and others of our counsell, to conveene with a good number of godlie, wise, and learned ministers of the presbytereis of that our kingdom, at Linlithquo, the tenth day of December nixtocum, to advise and resolve upon the remeeds of bypast distractiouns; preventing of imminent dangers by the daylie increasse of the number of Papists travelling in all corners of that kingdom, to disturbe the peace of the kirk and countrie, and to subvert our royall estat; and for settling of good order and quietnesse in the kirk, and obedience to our authoritie. For which purpose, our will is, that yee direct Mr Johne Fairfull, minister at Dumfermline, Mr Andrew Forrester, minister there, and Mr James Stewart, minister at Sawling of your presbyterie, to be present, with suche of our nobilitie and counsell as we have commanded, to meete them the said day and place; that by them they may know our godlie and just desires, and that suche as yee send may give their informatioun, advice, concurrence, and judgement, to the furtherance of good order, peace, and obedience in the kirk and countrie to our authoritie; preventing of Papists' courses, delating of the names of the authors therof, and suche as recept Jesuits, preests, and traffiquing Papists or others excommunicated persons; as also suche as resort not to the kirk and communioun, according to our lawes and acts of parliament made theranent; and in all other maters of the like nature, tending to the peace of the kirk and our obedience, wheranent our constant affectioun to the advancement of all suche godlie purposes will be more largelie signified to them at the said meeting by suche of our nobilitie and counsell as have our expresse directioun in these maters. So, resting assured of your conformitie and duetifull obedience in the performance of this our com-

mand, tending to so godlie and necessar ends, we bid you heartilie fareweill.

"At Newmarket, the 20th of October 1606.

"To our trustie and weilbeloved, the ministers of the presbyterie of Dumfermline."

A FAITHFULL REPORT OF THE PROCEEDINGS OF THE CONVENTIOUN HOLDIN AT LINLITHQUO, DECEMBER 10, 1606.

Were present the noblemen following :—

Montrose.	Collector.	Uchiltrie.
Wigtoun.	Linlithquo.	Justice Clerk.
Master of Lothian.	Abercorne.	Bruntiland.
Blantyre.	Lindsey.	Dumbar.
Advocat.	Halyrudhous.	Master of Montrose.
Glencarne.	Clerk Register.	Skoone.
Kinghorne.	Orkney.	Privie Seale.
Lord Newbottle.	Lothian.	Kilsyth.
Culrosse.		

BARONS.

Kinnaird.	Waughtoun.	Innerweeke.
Balmanno.	Balcolme.	Sir Johne Hammiltoun.
Torrie.	Balvaird.	

COMMISSIONERS FOR HIS MAJESTIE.

Montrose.	Collector.	Kilsyth.
Lindsey.	Blantyre.	

The ministers out of presbytereis were about the number of 130; out of the most part three, out of some five, some six, according as they were made to favour the purpose. Mr Patrik Galloway, as moderator of the last Assemblie, was desired to have preached on the morne. He refused, alledging he knew nothing of that meeting,

and was not provided. It was answered, that the meeting sould be prorogued to the 22d of that instant, and so he sould have tyme to be provided. But he continued constant in his refusall. In end, he was dealt with to make a prayer as his Majestie's minister, and not as moderator at the meeting, wherunto he yeelded. So the Bishop of Orkney, Mr James Law, made the sermoun upon these words, "Pray for the peace of Jerusalem." Therafter, Mr Patrik addressed himself to the moderator's place, prayed, and made a discourse upon Matt. xviii. 20. He opened the causes why his Majestie appointed that meeting, namelie, to take order with Papists, to advise what way ministers might be better provided with constant stipends, and how the jarres among the pastors might be removed. The Erle of Montrose, principall in commissioun, followed with a short harangue, which was explained by Mr Patrik, becaus his voice was weake; the summe wherof was, that we had all caus to praise God for the care that his Majestie had for the peace of this kirk, and maintenance of the freedom therof; and ended with an exhortatioun to the brethrein conveenned, to judge charitablie of his Majestie's proceedings, and to give to his Hienesse satisfactioun in the maters to be propounned.

Mr Johne Prestoun seconded him with a large discourse of the paines and travells which his Majestie had tane in the effaires of the kirk, the manie good lawes made by his Majestie for maintenance of religioun, the great care his Majestie had to have all the kirks of Scotland planted, and how in all the expeditiouns made in the south and the north against his Hienesse' rebells, his Majestie [was] imploying ever some tyme in the effaires of the kirk: And so ended, with exhortatioun to give his Hienesse satisfactioun.

The Clerk of Register followed, affirming, that seing his Majestie was a Christian and religious prince, and so weill grounded in his religioun, to the admiratioun of the whole world, that he ought to be obeyed in all his directiouns; alledging Paul, in his Epistle to Timothie, exhorting for the peace of the kirk to pray for all princes, speciallie for the tyranne Nero, under whom they then suffered persecutioun. He remembred some speeches uttered by

certane of the princes of Germanie, namelie, the Duke of Saxon, extolling his Majestie's constancie in his religioun; and so inferred, that seing strangers had so reverent regarde of his Majestie, his owne subjects sould not be led with a sinistrous conceate.

After this, Mr Patrik Galloway said, it was needfull that there sould be a moderator chosin; and produced foure in leit from his Majestie, viz., Mr Patrik Schairp, Mr Robert Howie, Mr Alexander Lindsey, Mr James Nicolsone; and the said Mr James was chosin moderator. When he entered in his place, he assumed Mr Henrie Philip, minister of Arbrothe, to be his scribe, without the oath of fidelitie. Therafter, a number were nominated for the privie conference, which was appointed to be that after noone; and so the Assemblie dissolved for that day.

When the brethrein's votes were required, they answered, that they had no commissioun from their presbytereis to vote anie thing. They were desired to vote as privat men appointed to come there by his Majestie, call their vote Advice or Vote as they pleased. And so they did, and so Mr James was chosin moderator.

When some desired to know what kinde of meeting that was, minding to have protested against it if they would have made it a Generall Assemblie, it was answered, it was onlie a meeting convocated at his Majestie's desire. Yitt manie of the ministrie fearing the evill, as Mr Adam Bannatyne, Mr Archibald Simsone, and others, were minded to give in a protestatioun against it. Which, when the bishops understood, they caused them to be cited before the counsell, and there they were exhorted to desist, whill they saw if anie thing were done in prejudice of the kirk; which, if they perceaved, they assured them they sould protest against it als weill as they.

Fryday, the elleventh of December, the Assemblie mett at elleven houres; and after prayer, the moderator examined the whole bishops and commissioners of presbytereis upon their diligence in seeking the executioun of his Majestie's lawes against Jesuits and excommunicated Papists, of whom there were some givin in by everie presbyterie in writt. There was no diligence reported, but excuse;

and the cheefe excuse was upon the oversight, granted unto the Marquesse of Huntlie and his ladie. After a sharpe rebooke givin to the bishops and commissioners for their negligence and oversight in that point, the Assemblie dissolved for that night, and the conference appointed to meete the morne at eight houres. All lawes were sought out against Papists; and becaus the default was in the executioun, an overture is devised, that everie presbyterie sall have an agent to informe the counsell of all Papists, Jesuits, excommunicats within their bounds, to raise letters to keepe the counsell's dyets, and to see the counsell's decreits putt in executioun.

To everie one of these persons there is an hundreth punds modified to be payed by the treasurer yeerelie for his expences.

It was asked by the moderator, what was the caus of the jarres of the kirk? It was answered, the want of a free Generall Assemblie. Therefore it was presentlie indicted to be holdin at Edinburgh, the last Tuisday of Julie nixt following.

Supplicatioun being made for the banished brethrein, the brethrein confynned in the Hielands, for Mr Robert Bruce, and these deteanned at Londoun, all men were putt in hope of their restoring. The commissioners promised to doe their endeavoures, as they had putt all men in hope of before; and desired some of the principall ministers to write to their banished brethrein, and to move them to acknowledge their offence, and to crave his Majestie's pardoun.

Then came in his Majestie's desire, that untill the tyme Papists were repressed and jarres removed out of the kirk, a constant moderator might be appointed for everie presbyterie, becaus, in the changing of the moderators, the diligence in executing of the processe failed, becaus the new moderator was unacquainted with the former proceedings. It was answered in the privie conference, that all the presbyterie, and everie brother therof, sould know the estat and proceedings of maters, and so might be able to putt maters in executioun, muche more, the fittest chosin to the purpose, according to the nature and state of the effaires in hand. Mr Patrik Galloway propouned three difficulteis: 1. The prejudging of the presbytereis in their free electioun, who did best know the quali-

teis of their members. 2. The tyrannizing of suche a moderator over his brethrein, and usurpatioun of jurisdictioun and authoritie over them. 3. The prejudice of the Generall Assemblie in the free nominatioun of commissioners for everie presbyterie, seing, by all appearance, there was no other thing meant, but to make the Generall Assemblie consist of bishops and moderators of presbytereis.

For removing of these difficulteis, it was provided, that the moderator sould be answerable to the synod for all his oversights and offences, and removable by them after a lawfull tryell, and the worthiest of the presbyterie preferred to his place.

That everie presbyterie sould have free electioun of two or three commissioners to everie Assemblie, and that it sould be in their optioun to make choice of the moderator or not. Alwise, all the moderators are appointed to be present at everie Assemblie.

These cautiouns being sett doun, and the article fullie agreed upon in the privie conference, it past in opin Assemblie, and [was] agreed upon, that he who before was named the Agent sould be this constant moderator. Two were *non liquet;* foure refused to vote, as wanting commissioun; 125 ministers agreed, all of them corrupted with hope, feare, honour, money; or of the basest sort of the ministrie, as James Reid, Mr James Betoun, Mr Johne Dalyell, Mr Adam Mitchell, and suche others. There was nominated for everie presbyterie one, to be moderator and agent against the Papists.

The noblemen suspected of Papistrie are ordeanned to be confynned in the touns following, viz., the Erle of Sutherland, his wife and mother, in Innernesse; the Erle of Cathnesse and his ladie in Elgine; the Marqueis of Huntlie, his wife and barnes, in Aberdeene; the Erle of Angus, his wife and barnes, in Glasgow; the Erle of Hume and Lord Hereis in Edinburgh; the Lord Maxwell in Leith; the Lord Sempill in Irwing. The bishops, with their owne consents, were ordeanned to be subject to the discipline of the kirk, and to be resident pastors at the kirk of their title, to underly the censures of the particular presbytereis; and are ordean-

ned to be resident at their kirks betuixt and Pasche come a yeere, under paine of depositioun, and to keepe the cautiouns. Incace at the nixt Generall Assemblie, appointed to be holdin at Edinburgh, it sall be found, that they have anie wise transgressed the cautiouns, they offered to lay doun their bishopricks, that his Majestie may bestow the sanle upon anie other of the ministrie that sall be thought meete for the place.

Anent the planting of kirks and provisioun of ministers, the commissioun of the parliament for the late erectiouns was declared to beginne on the first of Januar, and the commissioners warned to that effect.

The nobilitie, at requeist of the Assemblie, wrote to his Majestie in favours of Mr Robert Bruce, who was for the present in Innernesse.

The lords commissioners finding a great number of the ministrie present at the entrie of this Assemblie, who were not writtin for, or sent by anie presbyterie, were in great doubt whether to charge them to returne home. But fearing, that by removing of them, the rest might have taikin occasioun to depart, and desert the Assemblie, they suffered them all to remaine, and by occasioun, make a Generall Assemblie of it, if things framed to the king's contentment; as, indeid, afterward they gave it the name of a Generall Assemblie, and urged the presbytereis and synods with the authoritie of it.

The great commissioner and the Erle of Dumbar thanked the conventioun, in his Majestie's name; desired the whole brethrein to thanke him, seing they had found all things to their contentment; and pray for him, and to make it knowne to their brethrein and people, so soone as they came home, what good was done at that conventioun. The Erles of Cassils and Eglintoun thinking all things weill done, desired a copie of all things concluded before their departure. It was alledged, that could not instantlie be done. They promised with all diligence to goe to Edinburgh, and there caus putt in print all things concluded at that meeting, that all men might know them.

What is wanting in the former report is suppleed out of this following:—

ANOTHER REPORT.

In the meeting at Linlithquo consider two things: 1. The forme and maner therof: 2. The maters handled.

The meeting was conveenned thus: His Majestie's letters closed were directed particularlie to some speciall persons of ilk presbyterie in this land, requiring them to conveene at Linlithquo the tenth of December last, to, &c. The brethrein required, as said is, in thir parts, had occasioun of meeting with some number of their brethrein of this province, (Fife,) with whom advising, they resolved upon no speciall advice, except that they would give no commissioun to that meeting, speciallie to suche as were thus named, against the custome of our kirk, and liberteis therof, and publict statuts in parliament made theranent, as yee know. Alwise, they passed there without commissioun. Yitt there was there a frequent number, viz. of ministers, 132, and of noblemen, 33, beside manie barons, and some from the burghs.

There were handled these points: 1. Anent the suppressing or reforming of Papists; 2. Anent the planting of all the kirks in this land; 3. Anent the remeed of the eylasts and distractiouns which were amongst our selves in the ministrie heere. 1. As to the first, Papists were ranked thus: some were Jesuits, preests, sayers and hearers of masse; and the whole number of ministers were posed in conscience to delate their names. Manie ample promises were made, and conclusiouns taikin for prosecuting with all rigour the lawes against them; yea, his Majestie's guarde heere was then to be directed to take and apprehend them.

Some were recusants or not-communicants, who were ordeanned to be processed by the kirk with all expeditioun, and their names also to be givin in with the roll to the counsell, who promised to exact the penaltie prescribed in the law against them who at least communicat not once everie yeere, and no exceptioun of persons to be. And this to be the civill punishment, without prejudice of our

censures; and promise made, that no letters sall be directed from counsell, as was wount, to stay our discipline against anie person whatsomever.

Some were noblemen contrarie minded, and not as yitt resolved, albeit they have subscribed, sworne, and communicated some tyme with us. These were ordeanned, with all diligence to addresse themselves to severall burghes, to heare the Word, confer, &c. for their better resolutioun; and yitt to be processed except they went weill on, and proffited, &c. And that these things might take effect according to the minde of that meeting, these two aides or helpes were devised: 1. That a letter of requeist sould be formed and sent unto his Majestie, for causing the foresaid noblemen resort with diligence to their severall appointed citeis.

2. Some brother was appointed an agent in everie presbyterie, who sould be a constant moderator, to be answerable for his diligence in these points. And for his service, he sall have in pensioun of his Majestie's patrimonie an hundreth Scotish punds, if he be not a bishop in that presbyterie; otherwise, where the bishop is, he sall have the burthein, and receave no gaine therefore, except the way which the course may make for his sole regiment shortlie, conforme to our unioun with you.

And so for preests, albeit nothing be done as yitt in that mater, except my lord Erle of Angus wanting moyen, is fynned to three thowsand punds Scotish money, for three yeeres not communicating; the Marques of Huntlie is come to you, to obteane his pardons and indulgences, &c.

Last, The acts of our Generall Assemblie anent instructing of noblemen's sonnes at home, or who, passing out of the countrie, returne Papists, are promised to passe by statute in the nixt parliament.

2. *For Planting of Kirks.*

First, the lords modifiers chosin and appointed at parliament, promised to sitt doun at Edinburgh the first of Januar, for modificatioun of stipends to the abbey kirks of this new erectioun. The

same to be done in bishops' kirks, and that by reasoun the act of annexatioun was dissolved in their favours in this last parliament.

2. In benefices of cure, wherof noblemen have a good part of the rent, the moderators, bishops, commissioners, are appointed to deale with the lords of our Colledge of Justice, for obteaning decreits at least of sufficient provisioun.

3. Where they are small benefices, and sett in tacks, to deale with the tacksmen for obteaning augmentatiouns, and that by offering unto them new tacks, the gressome or intreisse silver whereof sall accresse to the stipend in all tyme comming, and not be imployed to anie man's privat use; and who refuseth augmentatioun on this conditioun, their names to be sent to his Majestie, who sall take farther order with them, or ellis their tacks to be sett to others.

4. Where kirks are neere adjacent, and ather meane in number or provisioun, then the parliament sall unite two in one, and provide for them.

3. *For taiking up the eyelasts among the brethrein, the causes therof were tryed to be these:—*

1. The wairding of the brethrein now banished or scattered, wherof the remeed was thought to be this; viz., a letter of supplicatioun was appointed to be sent unto his Majestie, and a writt of informatioun to be formed by some of that number who were best acquainted with his Majestie's minde and pleasure, to be sent to the brethrein banished, to acknowledge their oversight.—Suche physicians, suche medicine!

2. The want of the Generall Assemblie, which, with the advice of his Majestie's commissioner at that meeting, was appointed to be holdin the last Tuisday of Julie nixt.

3. An heavie suspicioun and feare in all good men's hearts, that inbringing of bishops in our kirk sould spoile us of our discipline, &c.

For remeed whereof, the bishops protested, that there was no suche thing in their mindes, and willinglie submitted themselves in all tyme comming to the judgement of the Generall Assemblie;

and that his Majestie's minde and pleasure was never otherwise, but that the most wise and grave men might be moderators of the presbytereis *ad culpam*, who sould be subject to the judgement of the provinciall assembleis, without anie further power than they had before, except that his Majestie would have them members of his parliament for the kirk. Some objected their non-residence within their diocie, and not preaching there where their benefices lay. They answered, their benefices were spilt, and wanted present provisioun; and, therefore, required a tyme to seeke the benefite of the law. That meeting ordeanned, that betuixt that tyme and Julie nixt, they sould ather make residence, or dimitt their place to others, who sould doe the same.

Last, there was an admonitioun and exhortatioun givin to all the brethrein, to interteane alwayes charitie and love among themselves, and to bewar to speeke anie thing unadvisedlie against his Majestie.

THE ACT OF THE ASSEMBLIE, AS IT WAS PRODUCED A HALFE YEERE AFTERWARD TO THE SYNOD OF FIFE, SUBSCRIBED BY THE MODERATOR, MR JAMES NICOLSONE, AND CLERK, MR HENRIE PHILIP, IN TENOR AND FORME AS FOLLOWETH.

"*At Linlithquo, Sess.* 3, *Decemb.* 12, 1606.

"In like maner, the conference finding that nothing more weakenneth the credit and strenth of the ministrie and discipline of the kirk against Papists, and more emboldenneth the adversareis to goe forward in their erroneous course, than the appearance of divisioun in the ministrie among themselves, and the alienatioun which seemeth to be of his Majestie's minde from some of them: Therefore, the removing of all eylast, and shew of divisioun and alienatioun of mindes, ather among the ministers themselves, or of his Majestie's good affectioun and favour from anie of them, was thought a soverane remedie for the more effectuall suppressing of Papistrie; and having searched and found out the caus of distractioun

and alienatioun of mindes foresaid in the ministrie, to be partlie a feare, that some of our brethrein were of purpose, and upon course, to subvert the libertie and discipline of the Kirk of Scotland, by removing their sessiouns, presbytereis, provinciall and Generall Assembleis, or by usurping in their owne persons some lyke tyrannous and unlawfull jurisdictioun as it is no wise lawfull, nather to be tolerated in a trulie Christian reformed kirk, and to shake off their obedience to all good order and comelinesse established, or to be established, by the lawfull Assembleis with his Majestie's consent; and partlie a greefe that some of their brethrein were banished furth of his Majestie's dominiouns, and others distressed by long wairding, and relegatioun from their habitatiouns and charges; and finding lykewise, by the declaratioun of his Majestie's commissioners, and suche as were privie to his Majestie's minde, that his Hienesse was no lesse greeved with diverse actiouns and formes of some of the ministrie, for not having due regarde and care to use suche course in their actions and administratioun in the kirk effaires, as might serve to interteane a solide peace and quietnesse betuixt his Majestie and them, as likewise mutuallie amongst themselves; and in speciall, that the charge of that governement was oftin tymes, and almost ordinarlie committed to suche as for laike of wisdom and experience were no wise able to keepe their estat in anie good frame or quietnesse, wherunto his Majestie imputed the cheefest caus of all the greefes and troubles which have fallin out this long tyme amongst the ministrie themselves, or anie offences givin by anie of them to his Majestie; and that his Majestie could not be satisfied whill this inconvenient were first removed, and a faithfull remedie provided, that heerafter the like sould not fall out, which his Majestie summarilie comprehended in this: 'If the effaires of the kirk sould be administrated by the wisest and most godlie;' wheranent also, his Majestie's speciall overture, as heerafter followeth, was propouned:[1]—

[1] This was not proponed this way, but first under the name of agent.—*Note in the Original.*

"It is his Majestie's advice to this Assemblie, and pleasure, that presentlie there be nominated in everie presbyterie, one of the most godlie and most grave, of greatest authoritie and experience, and meetest for governement, to have the moderatioun of his presbyterie where he remaines, till the present jarres and fire of dissensioun which is among the ministrie, to the great prejudice of the authoritie and credit of the same, and the hinderance of the Gospell, and his Majestie's high offence, be quenced and taikin away; and the noblemen, and others professing Papistrie within this kingdom, be ather reduced to the true professioun and obedience of the Gospell, or ellis so repressed, by justice and executioun of lawes, or by the labours of the ministrie, and discipline of the kirk, that they be not able to hinder the course of the Gospell, or strenthen and enlarge the power and credit of false religioun; and that the cheefest burthein of delatioun of the said Papists, and solistatioun for justice, and executioun of lawes against them, be committed unto the saids moderators. And that the bishops in the presbytereis where they are resident in one of the kirks of the bishoprick, have this care and burthein committed unto them. And seing it will crediblie fall out, that in the presbytereis, through the greatnesse of parteis, and the longsomnesse and the difficultie of the processe, the said moderators will some tymes be constrained to referre the doing heerof to the provinciall assemblie, and the moderators therof: It is therefore his Majestie's advice and pleasure, that the moderatioun of the provinciall assemblie, and persuing of actiouns of greatest difficultie, be committed to the bishops making lawfull residence within the said province, or to the worthiest of them, when it sall happin moe nor one to be within a province; in respect that his Majestie has bestowed upon them moyen and places, whereby they may be able to beare out the charges and burthein of difficill and dangerous actiouns, which other ministers were not so able to susteane, and likewise, by their credit and place in counsell, are able in suche causes to procure greater celeritie and executioun of justice as in suche caces will be requisite, than others.

"The conference having advised, first, anent the taiking away of the foresaid feares and suspiciouns, and satisfactioun of their greeves; and willing to understand of his Majestie's commissioners, and suche as latelie had beene acquainted with his Majestie's intentiouns; and willing to heare the declaratioun of the bishops heeranent, as tuiching their owne intentiouns and purpose in this earand:

"It was declared, that it was not in anie wise his Majestie's purpose and intentioun to subvert the present discipline of the Kirk of Scotland, but rather to augment and strenthen the same, so farre as could serve for the weale of the Gospell, and restraint of vice; and to see suche eyelasts and offences, as in the administratioun therof was the occasioun of just miscontentment unto his Majestie, and an hinderance to the credit and authoritie of the ministrie amongst the people, and amongst the ministrie themselves, be removed and taikin away, by suche good overtures as are above expressed. In signe wherof, as there is nothing done in derogatioun of holding of the sessiouns, presbytereis, or provinciall assembleis, so it was never his Majestie's intentioun, but that the keeping of Generall Assembleis at certan competent tymes was and is a most necessar meane, for the preservatioun of pietie and unioun in the kirk, and exterminatioun of all heresie and schisme in the same. And, therefore, his Majestie doeth gratiouslie declare, that as the act of Parliament doeth still stand in full force and in effect, for conveening of the said Assembleis once in the yeere by his Majestie's directioun, so it is his Majestie's will, that the day of conveening the nixt Assemblie sall be in Edinburgh, the last Tuisday of Julie.

"Siclyke the whole bishops declared, that it was not their intentioun to usurpe and exercise anie tyrannous or unlawfull jurisdictioun or power over the brethrein, nor to engyre themselves anie wise unlawfullie in the kirk's governement, or anie part therof, farther nor sould be committed to them by the presbytereis, provinciall and Generall Assembleis. And if it sould happin to fall out, that they, or anie of them, sould be found to doe in the

contrare, then and in that cace, they were cntent to submitt themselves to the censures of the kirk, as humblie as anie other of their brethrein of the ministrie.

"In lyke maner it was declared, that his Majestie, according to his accustomed longanimitie and patience toward suche as happinned to offend him of the ministrie, had delayed a verie long tyme to give furth anie sentence against the brethrein now banished, still hoping, that by their good behaviour, and humble sute for his Hienesse' pardoun and favour, his Majestie might have occasioun to shew his clemencie toward them; and albeit his Majestie being justlie provocked, was moved to give furth his will anent their banishment; yet immediatlie being required in their favours by the bishops, and others their brethrein present with them, it pleased his Majestie to declare, that the want of his favour proceeded upon their owne defaults, who had never humbled themselves to secke his pardoun, as became them.

"In respect wherof, it was thought meete to direct the Bishop of Aberdeene, Mr Patrik Schairpe, Mr Patrik Galloway, Mr Robert Wilkie, Mr Johne Strauchane, Mr Johne Hall, Mr Johne Hay, with the Moderator of the Assemblie, to write a letter to the said brethrein, in the name of this Assemblie, giving them their advice so to forme and send their humble sute to his Majestie for his pardoun, as might give his Majestie greatest satisfactioun; and that the Assemblie earnestlie requeisted his Majestie's commissioners, and other noblemen employed by his Majestie to this Assemblie, so soone as their supplicatioun sould come from them of the tenour foresaid, to concurre by their credit and intercessioun with his Hienesse, to procure them to be made partakers of that gratious favour, which his Majestie at no tyme heeretofore refused to anie of that professioun, whom he found willing to acknowledge and amend their oversight, and have recourse unto his clemencie; for the which declaratioun, the conference praised God, and thought good that the brethrein sould be writtin to, as is before said, and by the brethrein before named.

"Therafter, having considered the overture propouned unto them

in his Majestie's name, and finding it, in show, to carie some appearance of novatioun in the discipline of the kirk; and fearing that it might bring with it some inconvenient, therefore the conference would not take on them to determine their advices theranent, till first the mater were exactlie reasouned in their presence and sufficient remeed devised, for preventing of all inconveniences which might be feared to follow thereby. Wherupon a good number of the most learned, godlie, and wisest of the conference, being appointed to reasoun, and heard one after another, and having exactlie at good lenth reasouned, and examined whatsoever inconvenient might follow upon the establishing of the said overture: It was considered and found at last, by an universall voice and consent of the whole conference, but contradictioun, that the said overture was both wise and godlie, and tending manie wise to the weale of the kirk, providing that certan cautiouns were observed, for preventing of suche evills as might happin to fall out, incace the said moderator, or anie of them, sould ather arrogantlie presume to usurpe anie farther power in the said presbytereis and assembleis, than is comelie and lawfull for moderators in such caces to doe, and presentlie use, and without innovating or altering at their owne phantaseis, and at their owne hands, the custome that discreit moderators have, and ought to have used in that place; or otherwise be found remisse in propouning and presenting of anie good purpose or overture, which sould be givin in by the brethrein, or anie of them, to the said presbytereis and assembleis, and according to the doubts which in reasoning were found out and feared, the cautiouns following were agreed upon:—

"1. That it be provided, that the moderators of presbytereis and provinciall assembleis to be nominated and chosin according to his Majestie's overture, sall presume to doe nothing in the presbytereis and provinciall assembleis where they moderat, without the speciall advice and consent of their brethrein.

"2. That the acts of the Generall Assemblie, and caveats therin prescribed anent bishops, be observed.

"3. That they sall use no jurisdictioun or power, farther than

the moderators of presbytereis and provinciall assembleis have beene in use of, by the constitutiouns of the kirk before.

"4. Incace it sall happin the moderators of presbytereis or provinciall assembleis to be absent the tyme of their conventioun, then it sall be in the power of the saids provincialls and presbytereis to nominat and choose out the wisest and gravest of their brethrein present, to be moderators in their meetings, in absence of the said moderator.

"5. When the place of moderator in anie presbyterie sall happin to vaike, the electioun of another to succeed in his rowme sall be made by the whole provinciall assemblie, with consent of his Majestie's commissioners, if anie happin to be there present for the tyme.

"6. And when anie of the saids moderators sall happin to depart this life betuixt assembleis, it sall be lawfull to the presbyterie to nominat one of the gravest and worthiest of that number, to continue in the moderatioun of the presbyterie, till the nixt provinciall assemblie.

"7. The moderators of the presbytereis sall be subject to the tryell and censures of the provincialls. And incace it sall happin, that they be found to have beene remisse in the discharge of their duteis, or to have presumed to usurpe over their brethrein anie farther power nor is givin them by the Assemblie, it sall be unto them a caus of deprivatioun from their office of moderatioun, and they sall be deprived therof by the saids provincialls.

"8. In like maner, the moderator of the provinciall assemblie sall be tryed and censured by the Generall; and if he be found there to have beene remisse in his office of moderatioun, or to have usurped anie farther power nor the simple place of a moderator, he sall be deprived from his said office of moderatioun by the Generall Assemblie.

"9. That the moderator of eache presbyterie and provinciall assemblie, with their scribes, being chosin, faithfull, wise, and formall men being astricted to be present at ilk Generall Assemblie, as members therof, and to have their register of the acts and pro-

ceedings of the presbytereis and provincialls there present with them, that their fidelitie and diligence may be seene by the Generall Assemblie, and the estat of the countrie thereby knowne.

"10. That it sall be leasome to ilk presbyterie to send commissioners to the Generall Assemblie, by and attour their moderator and scribe, two or three, according to the act of the Generall Assemblie anent the commissioners from presbytereis to Generall Assembleis, if they sall thinke it expedient.

"11. For it is heereby declared, that notwithstanding of anie thing done at this tyme, the sessions, presbytereis, provinciall and Generall Assembleis, are to be observed, keeped, and obeyed, as they have beene heeretofore.

"12. That the moderator of the Generall Assemblie be chosin by vote of the said Assemblie, certane leits being first nominated, and proponned freelie, as use has beene in tymes bypast.

"13. That in everie provinciall assemblie, where there is no bishop making residence actuallie and lawfullie, and having the moderatioun of one of the presbytereis, the moderators of the presbytereis within the said bounds being propouned in leit, the meetest of them sall be chosin by the said Assemblie moderator therof, his Majestie's commissioner's consent there present being had thereto.

"And farther, the conference having examined the rolls of ilk presbyterie, to see if anie was meeter to use the office of moderatioun, [than] these who before have beene nominated to have the care of the delatioun of Papists and non-communicants, they found in their judgement, that the same persons were of all others in everie presbyterie meetest, als weill to moderat, as to have care of delatioun foresaid: Reserving alwise unto the ministers of ilk presbyterie heere conveenned, their owne priviledge and power, to nominat unto the Assemblie a meeter, if anie be in the presbyterie for the moderatioun. And therefore the said conference finds it expedient, that the persons foresaids accept in and upon them presentlie, the said office of moderatioun within their presbytereis respective, and that the said presbytereis embrace and allow of

them. And for this effect, that the saids moderators and presbytereis be requeisted therunto earnestlie by this Assemblie, and if neid beis, likewise charged, that the Kirk of God be not long frustrated of the confortable effects that the foresaid order is able shortlie by the grace of God to produce.

"This overture being propounded, and declared at lenth in presence of the full Assemblie, everie article and heed therof was, with an uniforme consent and allowance, approved of all without contradictioun, except onlie so farre as concerned the moderators in presbytereis, and their continuance in the office of moderatioun beyond the accustomed tyme. Wheranent certane doubts being propouned and satisfied, and the bishops having givin their declaratioun out of their owne mouths, anent their intentiouns and purposes to be subject to the acts and caveats of the Generall Assemblie, and to make residence within suche a space as sould be limited to everie one of them by this present Assemblie: And if it sould be found expedient for the weale of the kirk, that other meeter and more worthie than they to possesse and occupie their places, to dimitt their benefices at the pleasure of the Assemblie, his Majestie's consent and approbatioun being had thereto, wherin they promised (if need were) to be earnest suters at his Majestie's hands; lyke as some of them declared, that they had alreadie most humblie craved the same of his Majestie, for the respect they had to take away all offence from the brethrein: Providing alwise, if ather upon his Majestie's advice and propositioun to the Assemblie, or upon their owne supplicatioun, the Generall Assemblie be moved heerafter to grant them anie relaxatioun of anie of the caveats which, upon good reasoun, might appeare to the said Assemblie to be over strait, that this their promise sall make no derogatioun to the libertie which the Assemblie heerafter sall be moved to grant them.

"It was voted, and by pluralitie of votes concluded, to witt, his Majestie's commissioners, whole nobilitie, erles, and barons, to the number of 33, togeither with 126 of the ministrie voting affirmative, that the said overture anent the continuance of the modera-

tors, whill the present divisiouns of the kirk sould be removed, and the whole brethrein brought to that unitie of minde and affectioun which is agreeable to their calling, and may serve best to the furtherance of the caus of God, and overthrow of all contrarie caus, and the Papists ather fullie repressed, or brought to the obedience of the Gospell, sould passe and be enacted as one of the conclusiouns of this Assemblie, the foresaids caveats being alwise keeped by everie one of the saids moderators, and the controveenners censured and punished, as is before expressed; foure onlie of the whole Assemblie by their votes disassenting therefra, and other foure refusing to vote, for wanting commissioun from their presbytereis, and two being *non liquet*.

"Extract furth of the bookes of the acts of the Assemblie at Linlithquo, and subscribed by the moderator and scribe therof.

"JAMES NICOLSONE, Moderator.

"MR HENRIE PHILIP, Scribe."

THE NAMES OF THE MODERATORS OF PRESBYTEREIS.

YETLAND.

Mr James Pitcarne.

ORKNEY.

The Bishop of Orkney; in his absence, Thomas Swintoun, on the bishop's expences.

CATHNESSE.

The Bishop of Cathnesse; in his absence, Mr Samuel Bruce, on the bishop's expences.

TAINE.

Mr Johne Rosse.

ARDMANNOTH.

Mr Johne Monro, to be payed by the Bishop of Rosse, whill he be resident himself.

INNERNESSE.

Mr James Bishop.

FORRESSE.

Mr James Dundas.

ELGIN.

The Bishop of Murrey.

DUNBENNAN.

Mr Robert Hay; and failing of him, Mr George Chalmers.

CULEN.

Mr George Douglas.

BAMF.

Mr George Hay.

DEIR.

Mr Abraham Sibbald.

ELLONE.
Mr Johne Reid.
GARIOCH.
Mr Robert Burnet.
AUFURD.
Mr Alexander Guthrie.
KINCAIRDIN ONEILL.
Mr Johne Strauchane.
ABERDEENE.
The Bishop of Aberdeene.
MERNES.
Mr Andrew Ramsay.
BRECHIN.
Mr Dowgall Campbell.
ABERBROTHOCKE.
Mr Arthure Futhie.
DUNDIE.
Mr Johne Ramsay.
MEIGLE.
Mr James Nicolsone.
PERTH.
Mr Alexander Lindsey.
DUNKELDEN.
Mr William Glasse.
COWPER.
Mr William Scot; and till he returne, Mr Johne Caldcleughe.
ST ANDREWES.
The Bishop of St Andrewes; and in his absence, Mr Robert Wilkie, to be payed by the bishop.
KIRKALDIE.
Mr Johne Mitchelsone.
DUMFERMLINE.
Mr Johne Fairfull.
AUCHTERARDURE.
Mr Johne Davidsone.
STIRLINE.
Mr Patrik Simsone.
LINLITHQUO.
Mr Robert Cornwall.
EDINBURGH.
Mr Johne Hall.
DALKEITH.
Mr George Ramsay.
HADINTOUN.
Mr James Carmichaell.
DUMBAR.
Mr Edward Hepburne.
CHIRNESIDE.
Johne Clappertoun.
DUNCE.
Mr David Hume.
MELROSE.
Mr Johne Knox.
KELSO.
Mr James Knox.
JEDBURGH.
Mr Johne Abernethie.
TWEDDAILL.
Mr James Logan.
LANERK.
Mr William Birnie.
HAMMILTOUN.
Mr Robert Darroch.
GLASGOW.
The Bishop of Glasgow; and

in his absence, Mr Patrik Schairp.

PAISLEY.

Mr Johne Hay.

DUMBARTAN.

Mr Johne Blekburne; and whill he make residence, Mr William Stewart.

AIR.

Mr Johne Inglis.

IRWING.

Mr Alexander Scrimgeour.

DUMFREIS.

Mr Thomas Ramsay.

KIRKCUDBRIGHT.

The Bishop of Galloway; and in his absence, Mr Robert Glendinning.

WIGTOUN.

Mr James Adamsone.

ARGILE.

The Bishop of Argile.

THE ILES.

Mr Robert Stewart, in absence of the bishop, upon his expences.

"Extract furth of the foresaid booke.

(*Sic subscribitur*) "JAMES NICOLSONE, Moderator.

"MR HENRIE PHILIP, Scribe."

THE FORGERIE AND MYSTERIES OF THIS ACT.

This act above writtin was not produced *in mundo* till halfe a yeere after the holding of this meeting; for it behoved first to be sent up to court to be revised by the king. Sindrie clauses were insert which were never mentiouned at the conventioun; as for exemple, "That bishops sould be moderators of the provinciall assembleis." "That the moderators of the presbytereis sould be constant members of the Generall Assemblie." Wheras bishops, where they were moderators of presbytereis, promised to keepe the cautiouns made at Montrose, and it was provided, that they sould usurpe no farther jurisdictioun over the brethrein of the presbytereis where they were moderators, nor moderators wount to have; in this forged act were foisted in these words, "Tyrannous and unlawfull," which words the Pope himself, notwithstanding of his usurpatioun, will disclaime. For the meaning was, to usurpe no

jurisdictioun at all, farther than the jurisdictioun of a simple moderator. And as for the cautiouns, they insert this claus, as a backedoore to escape, "That if the Generall Assemblie can be moved to grant them a relaxatioun of anie of the caveats which upon good reasoun might appeare to the said Assemblie to be over strict, that this their promise sall make no derogatioun to the libertie which the Assemblie sall be moved to grant them;" it being in the meane tyme their intentioun to have suche Assembleis as sould grant them anie thing the king would desire. The order is inverted, for first it was ordeanned there sould be an agent in everie presbyterie to compleane to the counsell upon Papists and non-communicants, upon whose complaint the counsell sould direct letters of horning, and all other processe that is appointed by law to be putt in executioun against them; and that he sall have yeerelie for his paines, payed by the treasurer, an hundreth pund; that the bishop, where he is moderator of the presbyterie, sall doe this service upon his owne charges; this act signifieth, that they were appointed first to be moderators before they were appointed to be agents against Papists. They confounded two offices in one man's persoun, purposelie to corrupt the moderators with a pensioun of an hundreth pund, which in the Assemblie they did indirectlie, assigning this pensioun to the agent, to beare his charges for attending upon the counsell, and persuing of Papists. But in effect it was assigned to the moderator, who was to be the agent, but without anie necessitie, yea, not without great misorder and confusioun; for the moderator could not discharge the agent's part weill without neglecting the office of a moderator, and so incurring the same defects they alledged were in temporarie moderators, to witt, want of skill and experience, ignorance of the processes led before the presbyterie, &c. The agent's part might have beene easilie performed by a brother chosin by the presbyterie, fitt for the bussinesse, and fullie instructed and directed by the presbyterie.

In this act this meeting is called an Assemblie, which name was not acknowledged on the one part, or avouched on the other, during the tyme of the conventioun. Yea, when some refused to vote

becaus it was not a Generall Assemblie, without anie other reply they were requeisted to give their advice; yea, sindrie had a purpose to give in a protestatioun against that meeting as an Assemblie, but were allured to desist upon this pretence, that if they sould see just reasoun they might. And indeid this ground of the protestatioun that it was an Assemblie was concealed all the tyme; and yitt they tooke upon them to appoint, that there sould be constant moderators in everie presbyterie, which is flatlie repugnant to the acts of the Generall Assemblie made at the erectioun of the presbytereis. Yea, they nominated the persons which belonged to the presbytereis, who were best acquainted with the qualificatioun of their owne members, and more able to judge than the Generall Assemblie, or the brethrein writtin for and permitted or suffered by the presbytereis to conveene. The persons who were nominated for the most part, yea, almost all were there present, and made no oppositioun ather to the nature of that meeting or anie other corruptioun, after they were nominated to be the moderators and agents, and that an hundreth pund was assigned to everie one of them; yea, manie gott monie otherwise at the same tyme. Some were corrupted with hope of preferment, others terrified. Sindrie were there of verie meane gifts, writtin for to come whether they had permissioun of the presbyterie or not; as in the presbyterie of Hadintoun, James Reid; in the presbyterie of Dalkeith, Mr Andrew Blakhall; in Kelso, old James Betoun; in Galloway, Mr Johne Aikman and Mr Johne Dalyell; in Fife, Mr Adam Mitchell and Mr Robert Buchanan, &c. That they sould be charged by letters of horning, if need were, to accept the office of moderatioun, was not the meaning of all that voted at that conventioun, but onlie intended by the king and his bishops secreitlie.

Under colour of this meeting, the bishops tooke occasioun to desert their flockes, as if they had beene transported by a Generall Assemblie, or ordeaned by a lawfull Generall Assemblie at anie tyme before, to make residence at the cheefe kirk of their benefice, or the old cathedrall seate of the bishoprick. And yitt, howbeit they deserted their flockes on the one part, yitt made they not resi-

dence at these kirks on the other part, as they promised, for a long tyme; yea, some of them to this houre have not made residence so muche as within the bounds of the diocie. Mr Johne Abernethie, minister of Jedburgh, has not seene the diocie of Cathnesse, wherof he is bishop, thrise since his consecratioun, that is, the space of eight or nyne yeere; and when he went, he stayed not, but lifted up his rent and returned to Jedburgh, where he makes his residence, and serves still as minister. The Bishop of Galloway, Mr Andrew Lamb, for the most part maketh his residence in Edinburgh and Leith; the Bishop of Dumblane in the Cannogate, as Mr William Cowper, Bishop of Galloway, did before; the Bishop of Rosse about Dundie; Mr James Law, Bishop of Glasgow, when he was Bishop of Orkney, in Edinburgh and the Cannogate.

A shew was made of doing some good, by dealing for the banished, confynned, and in speciall for Mr Robert Bruce, confynned in Innernesse, diseased, and farre removed from physicians. But it was but onlie a shew, for there followed no effect; yea, in effect they condemned the banished brethrein, whill as they willed them to confesse an offence. But this and other like maters past without anie great consideratioun or voting. It is to be observed, that the ministers who were writtin for, few excepted, ather had no commissioun from their presbytereis, or onelie a permissioun to conveene, conforme to the intent of the king's letter; or if a commissioun, it was onelie conforme to the said intent; which did not specifie the holding of anie Assemblie, but rather did insinuat that meeting to be a preparative to an Assemblie.

THE PRESBYTERIE OF EDINBURGH URGED TO ACCEPT THE MODERATOR.

Immediatlie after the dissolving of the Assemblie, the collector, Blantyre, clerk register, and Mr James Nicolsone, came to Edinburgh, and upon the presbyterie day, the 17th of December, urged them to receave the moderator nominated in the conventioun holdin at Linlithquo, viz., Mr Johne Hall. Mr Walter Balcalquall, then

moderator of the presbyterie, being dealt with before, made no oppositioun, but rather desired the brethrein to accept Mr Johne. Others craved a sight of the act. It was read over so suddanlie by Mr Henrie Philip, clerk of the pretended Assemblie, that they could not discerne distinctlie the points of it; yitt they perceaved there were sindrie corruptiouns which no wise pleased them. Some affirmed there was more in the act than was concluded in Linlithquo. Mr Johne Murrey, minister at Leith, proved so evidentlie that the said act was the overthrow of the libertie of the kirk, that none could confute his reasouns. The foresaid lords and ministers assured the presbyterie that the king's Majestie would be displeased, and threatned to take away the presbytereis if this course were not agreed unto, and that he would punishe the gainsayers. At last, in all haste, without advisement, Mr Johne Hall, by pluralitie of votes, was admitted moderator. Yitt, considering their owne rashnesse, they made an act the nixt day, that he sould onlie continue till the nixt Generall Assemblie, which was promised to be holdin the last of Julie. The tenour of the act of the presbyterie heere followeth:—

"17 *Decembris* 1606.

"The which day, anent the propositioun made to the presbyterie by my Lord Blantyre, the clerk of register, and the collector, his Majestie's commissioners to the said presbyterie, declaring that there was order tane in the late conventioun at Linlithquo in December instant, for suppressing of Papistrie; and therefore desired that Mr Johne Hall, as a man thought meetest to prosecute that purpose, sould be chosin moderator of the said presbyterie till the nixt Generall Assemblie onlie, that is to be holdin at Edinburgh the last Tuisday of Julie nixt, 1607. After reasouning among the brethrein, they finding that the granting of the said sute after the maner following sould no wise prejudge the libertie of presbytereis in choosing their moderators according to the established order of their kirk, nor import that the said Mr Johne sould be a constant moderator *ad vitam:* and to the end they sould not seeme to

hinder so good a purpose, agreeth, that Mr Johne be moderator for the space foresaid onelie, in maner, and according to the conditiouns following, and suche others as the said presbyterie sall thinke meete to prescribe unto him at his entrie to the said office of moderatorship: That is to say, that he faithfullie promise and bind himself to the presbyterie foresaid, that in all things he sall be subject thereto as one of the rest of the brethrein thereof; and that he sall not presume to doe anie thing in anie mater, caus, or questioun whatsomever, that sall come before them, without the advice, consent, and full approbatioun of the brethrein of the said presbyterie. And incace the said Generall Assemblie hold not at the said tyme, then that the said office of moderatorship sall expire, and another sall be chosin to accept the said office, according to the established discipline of the Kirk of Scotland."

OTHER PRESBYTEREIS URGED.

The nixt Wednsday, Dalkeith presbyterie was urged to accept their moderator. They craved a sight of the act to be advised with. But it could not be had, nather for them nor for anie other presbyterie, till it was produced at a synod of Fife almost eight moneths after the death of Mr James Nicolsone, moderator of the conventioun at Linlithquo. Yitt in place of the act were letters of horning, directed from the counsell, and the presbytereis charged to accept the moderators nominated in Linlithquo.

THE ACT ADULTERATED AT COURT.

About the end of December, the Abbot of Halyrudhous, and Mr James Law, Bishop of Orkney, were sent to the king with the proceedings of Linlithquo conventioun sett doun in writt. The king was not content that the bishops were not freed from the presbytereis, and sett over the provinciall synods. The abbot layed all the blame upon the bishops, who, *de novo*, had voluntarilie submitted themselves to the presbytereis. Mr Law was sharpelie

rebooked by the king. There was no other remedie, but it behoved the act to be corrected, altered, augmented, and sent backe again to be givin out in forme. This was supposed to be the occasioun of Mr James Nicolson's death, who, in his wisdome, thinking to please both king and kirk, had thankes of neither.

CHRISTMASSE KEEPED BY DUMBAR AND THE CHANCELLER.

The Erle of Dumbar and the chanceller keeped Christmasse in Edinburgh with great solemnitie, and Mr David Lindsey, Bishop of Rosse, in Leith. The godlie perceaved what was to be looked for afterward by the bishops enstalled, when they found suche corruptiouns breake out in the tyme that they were onlie aspyring.

M.DC.VII.

A CONFERENCE BETWEEN BISHOP LAW AND SOME OF THE EIGHT MINISTERS.

Upon the first of Januar, Mr James Law, Bishop of Orkney, visiting Mr James Balfour and Mr James Melvill where they lay at Londoun, beganne to relate what strait order was taikin with the Papists at the conventioun of Linlithquo. Mr James Balfour answered, "*In nomine Domini incipit omne malum.* Order taiking with Papists is pretended, but the dint will light upon us and others who stand for the discipline." "Yee sall call me a false knave, never to be beleeved again," said the bishop, "if the Papists be not so handled as they were never in Scotland." "That may weill be," said Mr James Balfour. In conferring with Mr James Melvill, he tooke a terrible attestatioun that he knew nothing of anie purpose the king had to alter the discipline of the Kirk of Scotland, but onlie to vindicat it from contempt and povertie; and therefore they were muche to be blamed who suspect his Majestie's proceedings and their brethrein's. "Nay," said the other, "the

king, both by word and by writt, has uttered his minde plainlie, but yee deale deceitfullie, deceaving your selves and others; but God in tyme will make all manifest."

A CHARGE TO ACCEPT THE CONSTANT MODERATORS.

In the meane tyme, the presbytereis are still urged with letters of horning to accept their constant moderators. The tenour of the charge heere followeth:—

"JAMES, by the grace of God, &c.—Forasmuche as at the Generall Assemblie of the kirk keeped at our burgh of Linlithquo in the moneth of December last, and assisted by a verie frequent number of the nobilitie, counsell, and barons of this kingdom, it was thought verie meete and expedient, and in end concluded and agreed, with uniforme consent of the Assemblie, that for the weale of the kirk, and staying of the grouth and number of Papists in this our kingdom, there sould be a constant moderator for a certane space nominated in everie presbyterie, who sould have the charge to informe the lords of our Secreit Counsell of all Papists and recusants in their bounds, and to sute the executioun of our lawes against them, as in that act made therupon at lenth is conteaned: Which being seene and considered by us, we have not onelie allowed and approved the same, and interpouned our authoritie thereto, but have recommended to our counsell that they have a speciall care and regarde to see the same receave due obedience and executioun; lyke as * * * was nominated and appointed moderator of the presbyterie of * * * And albeit it was hoped that this godlie and necessar conclusioun, importing so highlie the weale of the kirk, sould have beene with all thankefulnesse receaved and embraced by the presbytereis of this our kingdom: Neverthelesse, the ministers of the presbytereis of * * * for what caus we know not, refuse, at least delay, to receave their said moderator, and conforme themselves to the ordinance and conclusioun foresaid, the continuance wherof will altogether make the same ineffectuall, without remeed be provided.

"Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe, and in our name and authoritie, command and charge * *

* * * * * * * *

all ministers of the presbyterié of * * and their clerk of the said presbyterie, to conforme themselves to the ordinance and conclusioun of the said Assemblie, and to receave their said moderator, and to acknowledge him in all things due to the priviledge of that office, without excuse or delay, within twentie-foure houres nixt after they be charged by you thereto, under the paine of rebellioun, and putting of them to our horne. And if they failyie therin, the said space being bypast, that you incontinent therafter denounce the disobeyers our rebells, and putt them to our horne and escheate, and imbring all their moveable goods to our use, for their contemptioun; and siclyke, that yee in our name and authoritie command and charge the moderator of the presbyterie of * * * to accept the said charge upon him, within the said space of twentie-foure houres nixt after he be charged by you thereto, under the paine of rebellioun, and putting of him to our horne. And if he failyie therin, the said space being bypast, that yee incontinent therafter denounce the disobeyer our rebell, and putt him to our horne and escheat, and imbring all his moveable goods to our use, for his contemptioun. The which to doe, we committ to you, conjunctlie and severallie, our full power by these our letters, delivering them by you duelie executed and indorsed again to the bearer.

"Givin under our signet at Edinburgh, the 17th day of Januar, and of our raigne the 44th yeere, 1607.

"*Per actum Secreti Consilij.* JAMES PRIMEROSE."

The corruptioun of the constant moderators was now better perceaved to be prejudiciall to the liberteis of the kirk; and, therefore, some of these who were nominated to be moderators refused to accept upon them the office, namelie, Mr Patrik Simsone, minister at Stirline, and at that tyme, Mr David Hume,

minister at Girnley, howbeit now, with consent of the presbyterie, he has taikin it upon him.

MR J. CARMICHAELL LICENCED TO RETURNE.

About the end of Februar, Mr Johne Carmichaell obteaned licence to returne home, upon a narratioun made, that his wife was in danger of death, and the provisioun of his childrein like to be lost. But his licence was granted upon conditiouns to keepe himself quiett, unpreaching, or going to synod or presbyterie, and to returne at the 15th day of Marche. But he being diseased, sent backe testimonialls, bearing testificatioun that he was diseased, and so he stayed. Mr William Scot, taikin with a great languor to returne home, imployed some freinds at court, who putt him in hope of obteaning licence. Mr James Balfour was vexed with the gutt, and troubled with deafenesse.

INVECTIVES AGAINST THE UNIOUN.

Upon the 12th of Februar, Sir Christopher Pigot inveyghed vyllie against the Scotish natioun in the parliament hous of England, and was nather interrupted nor answered by anie man. He was committed for the fashioun to the Towre, but soone after sett at libertie. Mr Fullam, at the same tyme, declamed mightilie in the parliament hous against the Unioun, but in forme of law, without invectioun. Upon the occasioun of Christopher Pigot's invectioun, the counsell of Scotland directed a letter to the king, weill penned, wherin they desired him to leave off the suting of the Unioun, and vouch safe to make residence some yeeres in Scotland; and so England would be faine to seeke that which they despised presentlie.

THE MINISTERS CHARGED AGAIN TO GOE TO THE BISHOPS' HOUSES.

Upon Tuisday, the thrid of Marche, the brethrein deteanned at

Londoun were charged of new again, but in a new maner, to goe to the bishops' houses. As for exemple, one called William Sanders came to Mr James Melvill's chamber, and shewed him, that he was directed by Sir Antonie Ashley, one of the clerks of the counsell, to deliver him the copie of a letter of the counsell's, directed to the Bishop of Durhame, and to desire the said Mr James, in the king's name, to goe with him to the said bishop. Mr James asked, if he would deliver his letter to Sir Antonie? He said he would; so Mr James wrote to Sir Antonie Ashley this letter following:—

MR J. MELVILL'S LETTER TO MR ASHLEY.

"My duetie premitted, please your worship understand, that one William Sanders came to me this morning, directed, as he does affirme, from your worship, with a letter of the most honourable counsell of England to the Bishop of Durhame, requiring him to receave me in his hous, and give me good and kinde interteanement. He added farther, that he had directioun to charge me in the king's name to goe with him to the said bishop; wherof, when I had asked his warrant, he said he had none, but onlie a directioun from your worship. Wherefore, I have taikin the boldnesse to write these few lynes to your worship, whereby I would humblie crave of your courtesie, to understand what this mater sould meane; being verie strange to me, sent for by a loving letter of his Majestie, to come from my owne countrie, and calling, attending these six moneths bypast his Majestie's pleasure, to my great charges, never accused of anie misbehaviour or cryme, to be charged to become a domestick to a bishop in England, knowne to be of a contrarié opinioun and affectioun in the governement of the church, and discipline therof; which I doe take to be an harder punishment than imprisouning or banishment. And as concerning the non-satisfactioun of his Majestie in sindrie points which his Hienesse expected, and reclaming of us from suche opiniouns which we are alledged to hold, repugnant to the good governement

of the church, in the narratioun of the counsell's letter, these can be no suche imputatiouns, as deserve punishment or committing. For who can satisfie farther than they are able by their judgement and conscience? And what opinioun hold we of church governement, other than which has beene established in our Church of Scotland these manie yeeres bypast, and that by warrant of the Word of God, his Majestie's lawes, the Confessioun of Faith professed, subscribed, and sworne by the king's Majestie, and whole estats of the kingdom of Scotland?

"May it please your worship, therefore, to informe me of the order of this proceeding, that I may understand the nature therof, for willing obedience, or patient suffering in all things due. And as I am most willing to rander obedience in all humilitie to his Majestie and most honourable counsell, with all humble thankefulnesse for their care and courtesie, so am I most unwilling to precipitat the caus of our church, or my owne poore persoun and honestie, in unnecessar, and uncoacted hurt, suffering danger or disgrace. *Et si quid morte gravius imperetur, mortem oppetere potius ducimus.* So, most humblie and most earnestlie requiring your worship's answere of courtesie, I commend you to God.

"Your Worship's as all duetie requireth,

"JA. MELVILL.

"Blackefriers, 3 Marche 1607."

He returned his answere as followeth:—

MR ASHLEYE'S ANSWERE.

"Mr Melvill.—Where by your letter, yee requeist of me to receave suche order and directioun, as has beene prescribed by the lords of his Majestie's Privie Counsell, concerning your present going to the Bishop of Durhame, I pray understand, that I know of none other than is conteaned in their Lordships' letter directed unto the bishop, wherof I sent you a true copie under my hand, for your better satisfactioun; wherunto, in my opinioun, yee sall

doe weill to conforme your self, as is required, the rather, for that you see there is nothing meant thereby toward you but kinde and loving interteanement, fitt for a gentle man of your sort. No doubt, his Majestie will take speciall note of your willing obedience in this behalfe; as, on the other side, he may be moved to the contrarie, incace of your obstinacie, which I would wish you to avoide by all meanes possible, You can wiselie conceave more than is fitt for me to write in a mater of this nature. *Cor regis in manu Domini.* And even so I commend you to God's mercifull and safe-keeping protectioun.

"Your loving freind,

"AN. ASHLEY.

"From the Court at Whitehall, the 3d of Marche 1607."

THE COUNSELL'S LETTER TO THE BISHOP OF DURHAME.

"After our verie heartilie commendatiouns to your Lordship.—Whereas six or seven of the ministers of Scotland having beene speciallie sent for by his Majestie, upon some suche occasions as doe greatlie tend to the quiett estate of the church, have not givin his Hienesse satisfactioun in sindrie points which he expected, and in regarde therof, are not as yitt to returne home again to their countrie; for als muche as his Majestie, in his most princelie care for the sattling of the church effaires in that kingdom, is verie desirous to have the said parteis reclamed from suche opiniouns which they hold repugnant to the good governement of the church; and none are fitter or that purpose nor his grave and learned bishops, als weill by themselves, as also by the assistance of other learned men about and neere them, whom they know fitt to be imployed in suche a worke: We, by his Majestie's directioun, doe require your Lordship to receave into your hous Mr James Melvill, one of the said ministers, and to give him good and kinde interteanement, for himself and his servant, whill he sall remaine with you; letting you further to know, that it is not his Majestie's minde to send him unto you as a prisoner, to be in anie suche sort

keeped and restrained; although we doubt not, but that your Lordship in your wisdom, and Mr Melvill in his discretioun, will so interprete his Majestie's pleasure, as that neither of you will permitt anie accesse of discontented or schismaticall persouns; which might not onelie hinder that good successe which his Majestie doeth hope to find thereby, but likewise tend to some farther inconvenience, to be prevented by your Lordship. And so we bid your Lordship verie heartilie fareweill."

Signed by the

L. Arch. Cant.	L. Admirall.	E. Northamptoun.
L. Chanceller.	L. Chamberlane.	E. Salisburie.
L. Treasurer.	E. Shrewsburie.	L. Stennop.
D. Lennox.	E. Worcester.	M. Secret. Herberd.

"Direct to the Lord Bishop of Durhame.

"*Concordat cum originali,* A. ASHLEY.

"From the Court at Whitehall, the 28th of Februar 1607."

THE EIGHT MINISTERS USE MEANES FOR THEIR LICENCE TO RETURNE.

Upon Wedinsday the 4th of Marche, Mr James Melvill, accompanied with Mr William Scot, went to the Bishop of Durhame, with the officer attending on him, to testifie the dispositioun of his heart, alwayes bent to rander obedience to his Majestie in all things due, but with all, to requeist his Lordship to joyne with him in supplicatioun and dealing with his Majestie, and honourable counsell, to have licence to goe home, and attend on his familie, and manie thowsand soules committed to his charge; for their societie would be unpleasant, where their opiniouns and affectiouns were so farre different. The bishop's answere to them was confused.

THE SCOTISH MINISTERS' SUPPLICATIOUN GIVIN IN TO THE COUNSEL OF ENGLAND, MARTII 8, 1607.

"Right honourable, and our most singular good Lords.

"My Lords,—Please your Honours, of your common equitie toward all, and speciall courtesie used to strangers, to heare us, ministers of the Evangell of Jesus Christ in the Church of Scotland, undersubscribing: That whereas we were brought from our countrie and calling, by speciall missive letters directed from the king's most excellent Majestie, and delivered to everie one of us in particular, whereby his Hienesse willed and commanded us (all excuses sett apart) to repaire to his Hienesse before the 15th of September last bypast, for the weale of the Kirk of Scotland: And notwithstanding that diverse of us were of good age, subject to sores and diseases, and all of us had just excuse, yitt understanding by his Majestie's speciall counseller in these maters, that it was his Hienesse' pleasure, for a great benefite unto our church, we sould in anie cace repaire unto his Majestie, and see his face; by the mercifull hand of God with us, we were enabled, and presented our selves before his Majestie the day appointed, at Hamptoun Court, where, with all humilitie, after the weakenesse of our judgement and conscience, answering to suche things as it pleased his Majestie to propone unto us, we were from that gratiouslie dismissed, to attend his Majestie's further pleasure at Londoun, where with diverse fitts of sickenesse and diseases of bodie, but muche more with great heavinesse, greefe, and vexatioun of minde, by reasoun of the charge of moe than twentie thowsand soules lying upon our ministrie, besides our numerous poore famileis, wherof, if we sould not have a care, we sould be judged by the apostle worse than infidels, we have, with suche patience as we could, wrestled with the longsome winter; and now, when, after manie supplicatiouns directed with all care, feverence, and humilitie, to his most gratious and clement Majestie, we looked for a confortable dimissioun, and sending home to our countrie, callings, and famileis,

we find that there are certane Englishmen, calling themselves pursevants, or officers of the chamber, directed, as they say, by the clerk of the Secreit Counsell, to charge us, in the king's name, to goe with them to certane bishops of the Church of England, and shewing us a copie of your Honours' letters, for requeist to the said bishops to receave us in their houses.

"The which charge, both in forme and substance, we thinke verie strange, being free Scotish men, and pastors of the right reformed, and long renowned church of that realme; and against the which, as we have just caus, so necessitie compelleth us to except and protest, knowing certanlie, that nather his Majestie's high honour that loveth judgement, and who in maner foresaid gratiouslie called us hither, nor yitt your Honours' commoun equitie, the rights and piviledges of natiouns, substance and forme of justice, (wherof your Honours are most observant,) can or will approve the same; lyke as the care which we carie to the caus of Christ and his church, and the poore honestie which we susteane in our callings and persons, make us to take it as a punishment inflicted upon us, harder than ather imprisounment at home, or banishment in forraine parts. The which, we are assured, the high honour of our gratious and most excellent king, that loveth right, and your Honours, ministers of justice, would never have imposed upon us *indicta causa*. If we have perpetrated anie thing against his Majestie, the estat, or lawes of the realme, justice would we sould be orderlie tryed, judged, and punished. But if our cariage and conversatioun has beene as yitt unaccused, muche lesse condemned, why sould we lose our libertie, dishonour and obscure the estimatioun of our church, and blott our owne poore honestie, making ourselves of maisters bond men; daylie approvers of that, to the appearance of men, which our church condemneth, and burthenable loyterers, feeding idle belleis at the tables of strangers, having honest callings, houses, and provisioun, whereby to live as pastors of congregatiouns, and fathers of famileis at home?

"As tuiching these imputatiouns, that we have not givin satisfactioun to his Majestie, as his Hienesse expected, and that we

hold opiniouns repugnant to the good governement of the church, we have truelie endeavoured, both by word and by writt, als farre as we could; and sould we satisfie farther than our judgement and consciences doe afford? And if it please your Lordships, we would most gladelie understand, which are these opiniouns we doe hold, repugnant to the good governement of the Church of Scotland; to the end, that if there be anie suche, wherof we know none, at his Majestie's command, by admonitioun of our owne church, we may abandoun the same, and not trouble the lord bishops of England. We have farther too great caus to bewaile the heavie sickenesse of some of us, the languishing mindes of us all, to say nothing of the great charges we are at, with greefe to remember the impairing of our estat at home, having attended his Majestie's pleasure these seven moneths.

"But commending all to the wise consideratioun of your Honours' universallie renowned discretioun, integritie, equitie, courteous and mercifull dealing, we will no longer deteane your Honours; but in the great ocean of our sorrow and greefe, desirous to be fred of the danger of the imminent tempest, upon the esperance of safetie in seeking that haven of your Honours' compassioun, where so manie have beene saved from shipwracke, namelie, becaus it has pleased his Majestie to give directioun to your Honours, anent our mater, nowise, as we are perswaded, to prejudge the freedom and libertie of our natioun. In the name of the Almightie God, and for the caus of our Lord Jesus Christ, whom all your Honours doe love and feare, and whose messingers and ministers we are, we doe intreate and beseeche your Honours, in all duetifull and submissive maner, that by your mediatioun and intercessioun with his most gratious and clement Majestie, some releefe of these our present misereis may be obteaned, and we dismissed and sent home, to the confort of our flockes and famileis, there to pray to God incessantlie for his most excellent Majestie, his queene, and royall progenie, for you, the Lords of his most Honourable Counsell, and for the mainteanance of his Hienesse' kingdom and dominiouns in peace and unitie, in Jesus Christ, to whose grace and mercifull

protectioun we commend your Honours. Hoping to heare what good respect it sall please your Honours to have to our poore supplicatioun, we rest

"Your Honours' humble supplicants,

"JA. MELVILL. ADAM COLT. WILLIAM WATSONE.
"ROBERT WALLACE. JAMES BALFOUR. WILLIAM SCOT."

A CONFERENCE BETWEENE THE ARCHBISHOP OF CANTERBURIE, MR J. MELVILL, AND MR W. SCOT.

This supplicatioun was by the counsell, out of the Erle of Salisburie's hand, delivered to the Archbishop of Canterburie, to make answere to the same. The archbishop sent for two of their number. So Mr James Melvill and Mr William Scot went to Lumley, upon Moonday, the nynth of Marche. The archbishop caus ushe the chamber. He and they being alone, he layed aside his corner cappe, and with great reverence shewed unto them, that the king's Majestie, letting the counsell understand that it was his pleasure they sould not be licenced as yitt to goe home to Scotland, and willing them to be weill interteaned in the meane tyme, had required the counsell to direct them to some of the principall of the cleargie, as most fitt to interteane men of their calling. Therefore, the counsell had directed letters to some of the bishops, to recommend them to them; and that the messingers sent were not pursuivants to charge them, but servants to the king and counsell, appointed to convoy them to suche places where they were to be interteaned. And if that ather these servants, which, after the commoun sort, might be rude and indiscreit, had used them otherwise than become, or if they feared that the bishops would not lovinglie receave them, and use them kindelie and courteouslie, lett him know it, and he sould provide remedie. They answered, they could requite no wise his Majestie and the counsell's care and courtesie toward them, but by their poore prayers; yitt seing no injurie was worse nor compelling courtesie, if it were his Majestie's

pleasure they sould stay longer, but wished it were his pleasure also to suffer them to continue, and attend his Majestie's leasure upon their owne costs and charges, as they had done some moneths alreadie, and not to trouble suche men, to whom nather could they be pleasant ghuests, nor the other pleasant oasts to them. They were men that had honest houses and tables of their owne, according to the fashioun of their countrie, and conditioun of their callings, who were accustomed to give more meate than to take of anie, and diverse of them aged and diseased, whom it were not fitt to ty to the dyet of others; nor that men of suche honour and worship sould be troubled with; for it is evident, that where opiniouns differ, there affectiouns cannot goe sound. "Truelie," sayes Archbishop Bancroft, "you speeke truthe, and like honest men, as yee are; and I doe thinke, my brethrein, the bishops would have little pleasure of you, except to pleasure the king's Majestie; for our custome is, after our serious maters, to refreshe ourselves an houre or two with cardes, or other games, after meales; but you are more precise. But it were good, the king sould be satisfied in his royall endeavoure to unite us together in one church and policie." "We doe thinke the same," say they, "so that the grounds of unioun, which is the truthe of God's Word, and fundamentall lawes of equitie and policie, be keeped; but where a kingdome and church are builded solidelie, and of long standing, in these it is dangerous to seeke alteratioun; and there is no unioun can be made to stand sure without that, for the ground being shaikin, will make of one twentie peeces." "I know your meaning, Mr Melvill," sayeth the archbishop, "by your letter sent to Mr Ashley, which I have in my pocket. We will not reasoun the mater now; but I am sure we both hold and keepe the grounds of true religioun, and are brethrein in Christ, and so sould behave ourselves toward other. We differ onlie in the form of governement of the church, and some ceremoneis; but as I understand since yee came from Scotland, your church is brought to be almost one with ours in that also; for I am certified, that there are constant moderators appointed in your Generall

Assembleis, synods, and presbytereis, even as I am highest under the king in this church, and yitt, nothing above the rest of my brethrein the bishops, save in pains and travell, so that I was in better estat when I was but Richard Bancroft, even as a standing Moderator of the Generall Assemblie, as Mr Patrik Galloway, or suche other, may be in Scotland; and in everie province and diocie there is a bishop, a moderator of his chapter or presbyterie, answerable to the king," &c. Mr William Scot, upon these speeches, beganne a wise and solide discourse, laying suche grounds as might beare up a great and sure worke, and making mentioun of duetie to Christ and good conscience. The archbishop smyling, and chopping on his arme, said, "Tush, man! take heere a cuppe of good seck:" and so, filling the cuppe, and holding the naipkin himself, he made them to drinke. It being now late, and neere six a clocke, after manie good words, and faire offers of all he could doe for them at the king's hand to obteane their libertie, he dismissed them. They were no more urged after that to goe to bishops' houses.

MR A. MELVILL LEAVING THE DEANE OF PAUL'S HOUS.

Upon the nynth, a messinger of his Majestie's chamber came to the Deane of Paul's hous, to Mr Andrew Melvill, who, after uttering of his commissioun, wrote and subscribed to him the charge following:—

"Mr Melvill,—I am commanded by the lords of his Majestie's most Honourable Privie Counsell to come to you, and to goe with you to my Lord Bishop of Wenchester, by their commandement, becaus it is his Majestie's pleasure that there yee sould remaine for a tyme, till his pleasure be farther knowne. And so, rest yourself contented to goe with me, being one of the messingers of his Majestie's chamber, by name

"WILLIAM WATERTOUN."

Mr Andrew thought this a warrant good eneugh for him to

leave the Deane of Paul's hous. But he was not troubled with his messinger after that, and so forgott to goe to his bishop, but keeped companie with his brethrein all Marche and Aprile.

PRESBYTEREIS CHARGED TO ACCEPT THE MODERATOR.

In this moneth of Marche, manie presbytereis were charged, under the paine of horning, to admitt their moderators. Some obeyed willinglie, others yeelded for feare. Some refused, and tooke instruments, that if the person appointed would enter to that office, it was violent dealing, and without their consents; as the presbyterie of Perth. Others utterlie refused, and were putt to the horne. But they could not find how to registrat them, becaus there was no equitie in their charge. Others admitted, but bound their moderator by oath and subscriptioun to dimitt his office whensoever they pleased; as the presbyterie of Dumfermline. Yitt they delayed the executioun of the act till they might have the approbatioun of the synod. The presbyterie of Perth was straitlie urged by the comptroller, Lord Skoone, the Lairds of Balvaird and Balmanno, to admitt Mr Alexander Lindsey, now Bishop of Dunkeld, to be their moderator. They refused, till they sould see the act. They promised to use diligence to obteane the sight of it; but nather could it be had of the moderator, nor clerk of that meeting at Linlithquo. And albeit Mr James Nicolsone, moderator of that meeting, came to Perth that day when they were most straitted, yitt nather would he promise to extract the act to them, nor yitt would he tell them the contents; wherupon they were forced (after Mr Alexander being charged with letters of horning, tooke on him the office) to take instruments of his unlawfull forme of entrie. The man who had taikin in hand to charge them with letters drownned himself, or was drownned, within few dayes after.

The synod of Lothiane holding in Edinburgh in the beginning of Marche, commissioners from the king urged, that the presbytereis had not admitted as yitt their moderators. Their answere [is] to be seene in the extract following:—

"4 *Martij* 1607, *Sess.* 5

"The which day compeered Walter Lord Blantyre, Sir Thomas Hammiltoun of Monkland, knight, and Mr Johne Prestoun of Pennycooke, collector generall, and Senators of the Colledge of Justice, commissioners from the king's Majestie's Secreit Counsell to this present synod, desiring in his Majestie's name of the brethrein, that so manie presbytereis as had not admitted the moderator, according to the act of the late meeting at Linlithquo, in December last bypast, 1606, sould doe it. It was answered, that Edinburgh, Dumbar, and Linlithquo, had satisfied the king's Majestie's commissioners, who were severallie directed to them to that effect; but Peebles, Hadintoun, and Dalkeith, had not done it, in respect they had not gottin an inspectioun of the act made at Linlithquo foresaid, which they desired to see, upon the sight wherof they are to give a reasonable answere.

"Extract furth of the bookes of the synod of Lothian and Tweddaill by Mr Charles Lumisden, which I testifie by my subscriptioun. MR CHARLES LUMISDEN."

About the end of Marche and beginning of Aprile the pest brake up again in Edinburgh, Dundie, and sindrie other parts of the countrie.

Upon the first Tuisday of Aprile, the provinciall assemblie of Perth conveenned at Perth. Mr William Cowper, ordinarie minister in the toun, taught in the morning, and that profitablie. The moderator of the last synod, Mr William Row, was to teache at ten houres. Whill he was at his studie, Mr Alexander Balnaves, reader, was sent to him from the commoun clerk of the toun, to wairne him, that the Laird of Balvaird had come to him, (the clerk,) and desired him to advertise Mr William, that the comptroller, Sir David Murrey, had a commissioun from his Majestie, that incace he spake anie thing in his doctrine that tuiched the king's maters, or disallowed anie acts of preceeding Assembleis, speciallie of that Assemblie at Linlithquo, to take him out of the

pulpit. After that, the comptroller himself dealt with some of the counsell of the toun and the clerk to travell with him in that mater, and to present the said commissioun to him before he entered to his doctrine; and desired them to assist him. The bailliffes and others with them replyed, that his father was a minister amongst them, whose memorie was yitt recent, and that he himself was gratious amongst the people. If he attempted anie suche thing, it could not faile to breed insurrectioun or some other inconvenient. He assured them he would proceed, and therefore desired them to present to him the commissioun before he went to pulpit. They did so. At the ringing of the bell, when he was comming from his chamber to the kirk through Mr Johne Malcolme's yaird, there mett him some of the counsell and magistrats, with the commoun clerk, and told him that they were commanded by their proveist to present to him the king's commissioun. He receaved it with reverence, read it, and answered, that he was throughlie resolved what to speeke, and would give just occasioun of offence to no man: he sould be readie to answere to all the points of his doctrine whensoever he sould be lawfullie accused. He taught upon the seventh of Amos, from the 4th to the 14th verse, upon the Bishop of Bethel. Sir David Murrey would sindrie tymes have rissin to putt hands in him in the verie tyme of the sermoun, but was stayed by the counsell of Balvaird and Balmanno.

The day being somwhat spent, they went to dinner, and conveenned again at two houres. Sir David sent the beddell of the kirk, and desired the ministers to stay on him till he might be at leasure; but they, according to the order and custome, proceeded to the electioun of the moderator. Sir David being informed, came with speed to them, after they had gathered the votes of two presbytereis, Perth and Stirline, and challenged them becaus they stayed not till he produced his commissioun. It was answered, that with his owne advice it was thought meete to conveene again in all possible haste: when they were conveenned, they could not be ydle; they were doing nothing but that which could not be left undone, that is, choosing a moderator. "If yee have not a com-

missioun, your presence is not necessar to the learned men heere, who are to treate upon the weightie effaires of the kirk." He answered, "I am not come heere without commissioun." It was answered, "My lord, if yee have a commissioun from his Majestie, or yitt from the counsell, produce the same, and it sall be handled in the first rowme, onelie we sall choose a new moderator; for (said the old moderator) I have no further place but to moderat whill a new moderator be chosin: it is his part to receave commissiouns, and to treate of all the effaires of this present Assemblie." The comptroller and his conjunct commissioners, Balvaird and Balmanno, answered, that their commissioun tuiched the electioun of the moderator particularlie, and therefore must be considered before anie other be chosin. Mr William Row requeisted earnestlie to be disburthenned according to the order. The votes of the Assemblie being asked, it was thought meete that the commissioun sould be first read; for the comptroller threatned to discharge the Assemblie incace they would not read his commissiouns. There was first presented a commissioun from his Majestie to the comptroller, Lord Skoone, Balvaird, and Balmanno, to see that all things be done in order at that Assemblie; and if anie thing sall be concluded contrare to the acts made at Linlithquo, to stay the same; and that one of the constant moderators appointed in the presbytereis sall be chosin moderator at the synodall assemblie, or ellis to oppone thereto. It was asked if they had anie further commissioun? They presented another commissioun from the counsell to the same effect; another to the Lord of Skoone, and the Reverend Father the Abbot of Halyrudhous; another to the Lord Skoone, and the Reverend Father in God, James Nicolsone. The moderator said, "My lord, who is this Reverend Father in God, James Nicolsone?" He answered, "It is Mr James Nicolsone, minister at Meigle." "It can not be possible, my lord," said the moderator, "that that wittie man will take upon him that office against his promise, and the doctrine which he has taught in former tymes: that were the high way to bring him to slaunder, and to deboshe

him." He answered, "Truelie the king beleeves he has alreadie accepted it; but I know he will never accept it."

The commissiouns being read, the mater was reasouned. The synod craved a sight of the act, but it could not be had. Sindrie of their number who were at the conventioun of Linlithquo testified they heard no suche thing mentiouned, muche lesse enacted; onelie Mr Alexander Lindsey said, it was once cast in upon the end of another mater, he knew not how. One asked him, If confusedlie? "Yes," quoth he, which gave occasioun of laughter that suche confusioun sould trouble them. After long reasoning, it was concluded to propone the questioun, whether or not the synod sall choose one of the foure moderators of the presbytereis nominated at Linlithquo, or another, according to the custome and acts of the kirk? All except Mr Alexander Lindsey voted to the choosing of a moderator according to the custome. The comptroller Skoone resisted a long tyme, and threatned they sould hold no Assemblie unlesse they choosed one of the foure constant moderators; oftin repeating these words, "Yee sall not make Lawrestoun of me." It was answered, that none of them could be chosin, for Mr Johne Davidsone was departed this life, Mr Patrik Simsone was deadlie diseased, Mr William Glasse had never accepted the office, Mr Alexander Lindsey had entered by violence, as the protestatioun of the brethrein of the presbyterie beareth. They desired the commissioner to give them some ground or reasoun agreeable to God's Word or lawes of the kirk. They said they had a commissioun which they would use. The Assemblie commanded Mr William Row, moderator, call the catalogue, and proceed with their owne leits. At last, the comptroller and his conjunct commissioners desired the Assemblie to stay till the morne, and advise. The moderator requeisted for the same and procured it, for the which he was blamed by sindrie of the brethrein. He requeisted the commissioners to be more moderat, and to weygh narrowlie what inconveniences might fall out if their Assemblie be stayed, seing sindrie persons were summouned to compeere before them, and they had manie weightie maters in hand.

THE SYNOD OF PERTH URGED TO RECEAVE THEIR MODERATOR.

They conveenned the day following at the houre appointed. The moderator of the Assemblie desired the commissioners to use clemencie, and not to stay the Assemblie from choosing their moderator freelie, according to the laudable custome of the kirk, acts of the Assembleis, and acts of parliament still standing in force, and peaceable possessioun hitherto not interrupted. It was likewise alledged, that noble men authorized with the like commissioun were content, in respect of the like reasouns, that the Assemblie sould choose their owne moderator, according to the commoun order; as for exemple, the synod of Lothiane. But no reasoun or exemple could prevaile with them. Skoone threatned, brawled, commanded them to ceasse, and at his pleasure commanded men silence, and called some learned and grave men "Swingers."[1] The moderator perceaving these who were thus abused to be greeved, said, "My lord, yee doe not injurie onelie to this Assemblie, but also to God, who hath called us, and speciallie to his Majestie, who hath sent you and your fellowes to see order keeped heere, as your commissioun beareth. His Majestie never tooke upon him, being present himself, howbeit learned, to command anie learned men silence in a free Assemblie, as yee have done; which argueth in you a grosse ignorance of your duetie." He besought him, therefore, in the name of Jesus Christ, their Head, and of that honourable Assemblie, to abuse them no more, but to speeke with reverence and reasoun, and not to transgresse so manifestlie the bounds of his commissioun. He desired all his commissiouns to be read over again, and more narrowlie weyghed; which was done at great lenth. The commissioners were desired to reasoun, and if their reasouns were relevant, the synod offered to give place. But the commissioners used authoritie in stead of reasoun; onelie Balmanno said, it was a mater indifferent. The Assemblie, there-

[1] Sluggards, lubbers.

fore, used these reasouns following: 1. It is expresse against the acts of most famous Generall Assembleis, against the acts of parliament confirming and approving the whole discipline of the kirk, wherof this is a speciall and principall point, that everie presbyterie and synod sall choose their moderators twise everie yeere, *ad evitandam tyrannidem*: his Majestie, and persons of all estats, had sworne and subscribed the said discipline, in all the points therof; seing the ministers sould goe before others by their exemple, they could not now be without great hurt and perrell to their consciences, to violat the Lord's most holie covenant; nor without a perpetuall note of infamie, inconstancie, and infidelitie, alter and ranverse the same by their deid, it being done so lawfullie and solemnelie by their superiours. As for the act of Linlithquo, it might be, it conteaned suche reasouns as might move them to change their judgement. They desired a sight of the act: the commissioners answered, they had it not to produce. It was replyed, they were hardlie handled, in that they were commanded to obey an act which they had never seene nor knowne; nather could they take upon them to allow of that meeting at Linlithquo, (men conveening there wanting commissioun,) untill the lawfulnesse or unlawfulnesse therof were decerned in a free Generall Assemblie. Seing, therefore, they could nather find reasouns sufficient proving the lawfulnesse of an Assemblie in that meeting, and were ignorant of their acts, which were hitherto concealed, they requeisted the commissioners not to preasse them so hardlie. The commissioners said, they sould not be ignorant of the acts of the kirk. It was replyed, that Mr William Cowper, moderator of the presbyterie of Perth, wrote to Mr James Nicolsone for the extract of the act; he receaved his answere in writt, without the extract of the act. Farther, when the presbyterie of Perth was urged by themselves, as commissioners, to receave their constant moderator, Mr James Nicolsone being present, was desired in their presence to repeate the act by word, or to give it in writt; but he refused to give ather his word or writt, for warrant of it. Moreover, the moderator, at command of the Assemblie, attested in

most serious and grave maner before God, the ministers of the foure presbytereis, who were at that meeting holdin at Linlithquo, to relate the truthe of that mater. They all in one voice, being twelve or fourteene, depouned upon their consciences, that no suche thing was propouned, ather in the privie conference, or in the publict meeting, lett be concluded; onlie Mr Archibald Muncreif affirmed the contrare, Mr Alexander Lindsey and Mr George Grahame were obscure in their answeres. Instruments were taikin heerupon, and insert in the bookes to that effect. The moderator besought the commissioners, in the name of God, to informe his Majestie and counsell aright.

After that, the moderator being commanded by the Assemblie to proceed, and gather the votes for the choice of a new moderator, and these who were in the leits being removed, he tooke the catalogue in his hand, and beganne where he left the night before, at Mr Alexander Hume, who voted to Mr Henrie Livingstoun. The comptroller raged, and beganne to rise out of his chaire, and take the catalogue out of the moderator's hand perforce; but he held it in his left hand, the comptroller sitting on his right hand. He held the comptroller with his right hand in his chaire, whill he called all the names. Mr Henrie Livingstoun was chosin moderator. The brethrein on the leits were called on, and Mr Henrie commanded to enter in his place. The comptroller threatned whatsoever man durst be so bold as to come there; and went out of his owne seate to stay Mr Henrie, whom he saw comming fordward. But Mr Henrie tooke him to the midds of the table, among his brethrein; for the chaire, or the head of the table, was a thing indifferent. Mr Henrie standing at the midds of the boord, said, "Brethrein, lett us beginne at God, and be humbled in the name of Jesus Christ." The comptroller in a great rage, chopping on his breast, said, with a loude voice, "The devill a Jesus is heere!" Mr Henrie went fordward in prayer. The comptroller raised the end of the boord with the greene cloath, and throwed it over upon the moderator, and the rest that were upon the south side, all humbled at this tyme upon their knees, and never stirred,

notwithstanding of all this violence. Therefore the comptroller, like a mad man, caused some of the guarde to remove the boord, and cryed for the bailliffes. They continued in their prayer, and besought the Lord to be avenged upon the reproache and blasphemie of his great name, and contempt of his glorie, so stamped under foote by profane men. Never man stirred off his foote till the prayer was ended. The comptroller never discovered his head all the tyme. At last, he removed and walked in the kirk beside, with the rest of the commissioners, and advised upon some instruments, which were read before the Assemblie when he came in again. The Assemblie, on the other side, tooke instruments of the violence and injurie done to them. When the prayer was ended, the bailliffes came. He commanded them to ring the commoun bell, and to remove these rebells. The bailliffes said, they could not, without advice of the counsell. They pretended they would goe and conveene them, but returned not again. The Assemblie proceeded according to order, and removed the presbyterie of Perth, to be tryed. Skoone locked the doores, and closed them out, but they gott entreis to a loft, signified their presence, and so proceeded to the tryell till nyne of the clocke. The rest were removed to a corner of the kirk, and tryed or referred to anothor occasioun. When they returned at ten houres to proceed, they found the kirk doores closed, and the keyes taikin away. Some of the toun counsellers affirmed they knew nothing therof, [and] were sent to crave the keyes; but they were denyed to them. The bailliffes understanding that Skoone had no warrant to doe what he had done, offered to make patent doores: the citicens also were in great rage; but the ministers stayed all kinde of violence. There was great concourse of people accompaneing them with teares. After consultatioun, they conveenned at the South kirk doore, whither with diligence were brought boords, furmes, and stooles, the people weeping, and cursing the instruments of that disturbance.

After their sitting doun, and the prayer ended, the moderator, Mr Henrie Livingstoun, said, "This is the fruict of the meeting

at Linlithquo: lett us see what presbytereis have admitted moderators of their choosing." None were found to have admitted anie except the presbyterie of Perth. They related how they were urged, and were willing to be censured or commanded. It was concluded, that everie presbyterie, the first day of their meeting, according to their commoun order, sould choose their moderators. Mr Alexander Lindsey, who heard the whole mater reasouned in opin Assemblie, and objected nothing in the contrare, made a fashioun of offer to reasoun when the tyme and place was impertinent, but to no purpose. Nixt, seing it was said, that the brethrein deteanned in England hold opiniouns against the governement of the Kirk of Scotland, it was thought good to declare their judgement to be uniforme. They agreed, that a confortable letter sould be writtin to the said brethrein, with an humble supplicatioun to the king's Majestie for them. Thridlie, least the Assemblie sould be tempted with privie letters, they made choice of three commissioners out of everie presbyterie, to be sent to the nixt Generall Assemblie, which was appointed at Linlithquo, to be holdin in Julie. Fourthlie, becaus the comptroller had threatned to charge them before the counsell, they appointed foure of their number to attend upon the nixt counsell day, and to compleane on him, for his disturbance, violence, and blasphemie. By reasoun of the tyme and place, and concourse of the people, they remitted all other effaires to a fitter occasioun; tooke instruments in the hands of famous notars of all that they had done, and so dissolved. No redresse was gottin at the counsell, yea, the old moderator, Mr William Row, was putt to the horne, for disobeying the king's commissioners. He was sought for to be apprehended and imprisouned, so that he was forced, with manie foule step, to lurke heere and there among his freinds.

ST GEORGE'S DAY KEEPED SOLEMNELIE.

Upon the 23d of Aprile, which was St George's day, there was great solemnitie at court, with muche superstitioun and vanitie.

The report wherof coming to the eares of Mr Andrew Melvill, his spirit was kindled within him, as was the apostle Paul's, when he saw the idolatrie of the Athenians; whereupon he made this epigramme following:—

"Andreas Christi divinus apostolus, est qui
Nunc Scotos ritus signat apostolicos.
Armeniis (ut fama) Georgius Heresiarcha,
Nunc Anglos ritus signat apostolicos.
Signa Andreæ ergo nobis sint, nulla Georgi,
Undique apostolicis, nullibi apostaticis."

MR A. MELVILL COMMITTED TO THE TOWRE.

Upon the Lord's day, the 26th of Aprile, earelie in the morning, one of the Erle of Salisburei's attendants came to Mr Andrew Melvill, lying at Bow, in Mr Somenar's hous, and verie courteouslie intreated him in his maister's name, to come to his maister's chamber at Whitehall, at nyne of the clocke, where my lord would conferre with him; and willed him to make no stay, for my lord would attend his comming. Mr Andrew tooke this message to come of freindship, and thought, that after conference, he would bid him to dinner. So he made himself readie, and posted on horsebacke to court. His nephew, Mr James, said unto him, "Beware: this yee take to be a bidding to dinner, but not a calling to compeere before the counsell." His nephew, Mr James, Mr William Scot, and Mr Robert Wallace, followed on foote, and taiking the first convenient occasioun of a boate, went by water to Westminster. A little after ellevin a clocke, Mr Andrew came to James Acheson's hous, where they were, and told them how he had walked in the galrie beside the erle's chamber since nyne a clocke, and when he saw that they had gone all to dinner, he came his way to dyne with them. He told them what meditatioun he had upon the secund psalme, joyning thereto a prayer, when he was walking in the galrie; wherewith they were muche moved. Sitting

doun to dinner, he rehearsed his verse he made upon St George, and inveyghed vehementlie against the corruptions of the Kirk of England. Mr James putt him in minde of Ovide's verses :—

"Si saperem, doctas odissem jure sorores,
Numina cultori perniciosa suo."

Mr Andrew answered in the verses following :—

"Sed nunc tanta meo comes est infama morbo,
Saxa demens refero rursus ad icta pedem."

"Weill," said Mr James, "eate your dinner, and be of good courage, for I warrant yee sall be again called before the counsell for your verses." "Weill," said he, "my heart is full and swelleth. I would be glade to have occasioun again to disburthein and utter my minde freelie, for the great dishonouring of Christ, to the wracke of so manie soules through their dealing; bearing doun the sinceritie and freedom of the Gospell, stopping the wholesome breath of God's mouth, and mainteaning Popish corruptioun and superstitioun." "I warrant you," said Mr James, "they know yee will speeke your minde freelie, and, therefore, have concluded to make your libertie a pretext to deteane you from returning to Scotland." "If God," said he, "hath anie more to doe with me, he will bring me hither again; if not, lett me glorifie him where ever I be. As I have oft said to you, cousin, God hath some part to play with us upon this theater."

They had not halfe dynned, when a messinger came from my Lord of Salisburie. He desired the messinger to requeist my lord, to suffer him to take a little of his owne dinner, seing he waited so long upon my lord's dinner, that he could waite no longer. This messinger was no sooner gone, but another cometh. After him cometh Mr Alexander Hay, the Scotish secretarie, to tell that the counsell was long since sett. Mr Andrew riseth with motioun, prayeth, and goeth with Mr Alexander. The rest were

expresselie discharged to enter within the palace. About three of the clocke, Mr James, his sonne, Andrew, whom he had appointed to attend upon him at the counsell doore, returned toward his father, and reported with teares, that Mr Andrew was caried by water to the Towre. Mr James and his sonne followed, but could gett no sight of him, nor accesse to him. And so Mr James, with great heavinesse of heart, in a darke night, returned on foote from the Towre to his loodging at Bow, where meeting with Mr Balfour, Mr Scot, and Mr Wallace, they had a sorrowfull supper, speciallie becaus they knew not the caus, nather yitt could know after a long tyme, but by reports. Onelie the word went in all men's mouthes, that he had crabbed the king, and canvast all the counsell. But *Melviniana tuba*, which he made at that tyme, letteth us know what he said, which heere followeth:—

Melviniana tuba casus Cassandra canebat.

" Qui dubitat, prope scit, vetus est sententia: quæro
Quod dubitem: quod quæ nescio scire velim.
Inquiro, inclamo qua possum has voce per umbras,
O terra! O cœlum! O sidera! et O maria!
Cur stant clausi Anglis libri duo regia in ara?
Lumina cæca duo, pollubra sicca duo?
Cur juxta æra tonant cantu, et circum aula remugit?
Vox reboat rauco congeminata choro?
Cur proni ante aram libant aurum oscula reges?
Rex medica et tractans ubera fœda manu?
An sensum, cultumque Dei tenet Anglia clausum,
Lumine cæca suo, sorde sepulta sua?
Bombo oppleta aures obsurduit, ut catadupa
Ad Nili obstreperas, accola surdus aquas
Mancipût idolo reges, quos æquat Olympo?
Immensumve Dei robur adhamat humo?
Cum vigilum sit rara, et copia tanta luporum,
Fidorum obturant an vigilum ora lupi?
Cur puros Christi male puro agnomine servos
Imperiosa premunt nomina pontificum?

Qui regem et sponsam Christi canis oblatravit,
In thalamo primus cur paranymphus quiet?
Primatisve Papæ exuperet fastidia fastus?
Philtrane Romanæ hæc illecebrosa lupæ?
Exuviæne? meretricis spolia ampla superbæ
Sponsæ an Christi aptæ virginis induviæ?
O quæ et quanta meretricis pellacia diræ!
Blandior illecebris, tetrior insidiis.
Quas sæpe expertus, quas solo numine versas
Ni pura anticipes mente, animoque pio
Expromptaque manu depulsa peste luporum
Et vigilum invicta mox revocatâ acie,
Quanta tibi, regnoque tuo, natisque ruina
(Rex) Deus avertat Tartarea instat ope."

MR A. MELVILL KEEPED STRAIT.

The day following, Mr James Melvill receaved a letter from him, subscribed as with his owne hand, and marked with the hand of the Lieutenant of the Towre, whereby he desired Mr James to send him in haste the furniture of a chamber, bed, boords, and stooles, his clothes and trunkes, with his bookes; which he did with diligence. Mr James had a sight of him everie day out at a window, and some lynes, by the secreit moyen of his keeper. But the lieutenant would not grant him accesse to Mr Andrew, for he alledged the charge was verie strait. Mr Andrew sent to him the verses following out of the Towre, which he sent to my Lord of Kinlosse:—

"Ad regem, ex occasione orationis ad ordines regni, de Unione regnorum, ab eo habite, pridie Kalendas Aprilis, 1607.

"Macte leoni, uni tres unus junge leones,
Seu rosa juncta rosæ est uno ab utroque abano.
Si gemmas junxisse rosas, res magna, leones
Maxima res uni jungere tergeminos."

THE MINISTERS OF FIFE HINDERED TO HOLD SYNOD.

In the end of Aprile, the synod of Fife sould have conveenned at Dysert. But the Bishop of St Andrewes, Mr George Gladestains, and some others, conveenned with the comptroller in Falkland, soone after the synod of Perth. They fearing the like oppositioun in the synod of Fife that was made in the synod holdin at Perth, procured letters from the counsell to be proclamed in everie toun where the presbytereis wount to be keeped, to stoppe their meeting. The letters were executed on Saturday, immediatlie before the last Tuisday of Aprile, the day appointed for the synod. Some of the ministers came not. These who came were debarred from all meeting within the toun, upon a strait charge givin to the bailliffes; wherupon they were forced to take them to the sands betuixt Dysert and Ravelisheuche, the raine powring upon them. They spent two houres in reasoning, and advising whether they sould hold the assemblie. It was concluded by pluralitie of votes, that they sould; but suche as disassented, protested, that if they so did, they would leave them. They confessed the lawfulnesse, but said, it was not expedient. The rest considering the number would not be sufficient, incace so manie left them, and that sindrie good brethrein condescended to a prorogatioun, upon conditioun that they conveene at the day appointed, the first Tuisday of Junie, notwithstanding of anie proclamatioun or danger that might ensue therupon, consented also to a prorogatioun. It was agreed in the meane tyme, that certane of their number sould present a complaint to the counsell, and declare their malcontentment at the proclamatioun; and to intimat plainlie unto them, that incace suche kinde of dealing were used, to dispossesse the kirk of their liberteis which they injoyed by the Word of God, and lawes of the realme, the counsell would draw them in the snare of disobedience, notwithstanding of horning, warding, &c. The counsell would give no answere, but injoynned the clerk to shew them, that their meaning was not to stoppe the holding of that synod, but onlie to prorogue

it for a tyme, which they intended not to doe again, for anie thing knowne to them.

THE PRESBYTERIE OF PERTH ACCEPTETH THEIR MODERATOR.

About this tyme, the presbyterie of Perth, fearing to be putt to the horne, under colour of putting some brethrein upon the leits, choosed Mr Alexander Lindsey moderator. Mr William Cowper, moderator before, was not fordward to doe his part.

WARRANTS FOR CONFYNNING THE MINISTERS SENT FOR TO COURT.

Upon the sixt of May, the brethrein sent for to court receaved a letter from Mr Alexander Hay, the tenor wherof followes:—

"Sirs,—I am directed to make intimatioun of these warrants unto you. I am forced my self to make personall attendance. I have directed the bearer to show you the principalls, which he must returne, and leave the copeis with you. I am so directed. I would wish the giving unto you of more contentment than these warrants affoord, were it in my power, and without troubling you.

"I rest, yours ever to his power,

"6th May 1607." ALEXANDER HAY.

THE COPIE OF MR JAMES MELVILL'S CHARGE.

"JAMES R.

"It is our pleasure and will, and we heerby command Mr James Melvill, minister, that upon intimatioun of these presents unto him, and within eight dayes therafter, he depart out of the citie of Londoun, and liberteis of the same, and repaire, with all convenient speed to our burgh of Newcastell upon Tyne, within our countrie of Northumberland; and there to make his stay and abode, and no way to depart furth therof, and two myles about the same, under the paine of rebellioun, and putting of him to the horne: Certifeing him heerby, that if he doe transcend the limited

bounds, that letters of horning sall be directed to denounce him our rebell, and to escheat and imbring, &c.

(*Sic subscribitur*) "MARR. DUMBAR, *Secretar.*

"Givin at our Court of Whitehall, the first of May 1607."

Mr James Balfour receaved the like charge to goe home to Scotland, and to stay in Cockburnspeth, Mr Robert Wallace to stay in Lawder, Mr William Watsone and Mr Adam Colt in their owne parishes. Mr William Scot was permitted to goe home to his owne parish in Cowper of Fife, providing he returned a testimoniall of his good behaviour from the Bishop of St Andrewes; otherwise, he was commanded to returne backe to Londoun before the fyfteene day of Julie. The rest taiking journey to Scotland, Mr William Scot and Mr James Melvill stayed a space after, for Mr Andrewe's confort. Yitt could they obteane nothing, but that his servant was suffered to enter in closse prissoun with him. Mr James insisted, with all the credit and moyen he had, to have licence to stay at Londoun for his sake; but at last, he was counselled by his best freinds to desist, and with diligence to give obedience to his charge, least he and Mr Andrew both incurre worse. So, providing for his necessiteis the best he could, he addressed himself to come home. The day before that he and Mr William embarked, Mr Snap and Mr Bamfort, preachers, and Mr Crosby, apothecarie, brought a great bag of money to them, collected by good Christians, for defraying of their charges, and careing of them home, as also, for supporting Mr Andrew in prisoun. But they refused, partlie to eshew offence, becaus the commoun brute went, that Scotish men came to beg, and purse up their money; partlie for conscience sake, least they sould intercept that which sould be bestowed upon their owne troubled preachers. They were convoyed with a good number of loving brethrein to the Towre staires, where they tooke boat the secund of Junie, and devailed toward a shipp, and came to Newcastell the tenth of Junie. Mr William Scot left Mr James with manie teares, and came home.

THE GENERALL ASSEMBLIE PROROGUED TILL NOVEMBER.

The Generall Assemblie was indicted at Linlithquo, to be holdin at Halyrudhous the last Tuisday of Julie; but maters not succeeding as the king and his bishops expected, the Assemblie was prorogued by publict proclamatioun, the tenour wherof followeth:—

"JAMES, by the grace of God, King of Great Britaine, France, &c.—Forasmuche as the increasse of the adversareis of the truthe, and contrarie professors, has proceeded of nothing so muche as of the dissensioun among the ministrie of our kingdom of Scotland, some of them by naturall inclinatioun being enemeis of quietnesse, and turbulent spirits, making choice rather to drinke in muddie water, than to taste in the cleere fountaine; being emboldenned by reasoun of the societie of a great manie others, who being guiltie of themselves of their owne unworthinesse and small gifts, and in that respect, out of all hope of preferment, and therupon invyous and uncharitable toward their brethrein of the best qualitie, and all of them runne and concurre together like a headstrong factioun, to uphold and mainteane an anarchy, and thereby to induce disorder and confusioun in that church, to the great hinderance of the progresse of the Gospell, and dishonour and scandall of the professors therof: Wherupon we, of our privie care and fatherlie affectioun to the peace of the kirk, desiring rather in them to extinguish the fire of divisioun, than to suffer it to grow to anie confusioun, and being ever willing to bring them to an uniformitie of mindes and affectiouns, did therupon appoint a most grave, frequent, and free Assemblie to be keeped at Linlithquo, in December last bypast, of a great number of the most godlie, zealous, and weill affected of the nobilitie, counsell, and suche barons from all the parts of that our kingdom, as also, the most learned, experimented, wise, godlie, and discreit of the ministrie from all the presbytereis, in great number; by whose travells, care, and wisdom, everie occasioun and pretext of greefe was in

suche moderatioun and godlinesse removed, that as the same did yeeld us contentment, so was everie thing done in that Assemblie with a great and generall applause of all, giving great hopes that from that [time] furth, there sould nothing be found but unitie and concord in the kirk, and that all their meetings therafter sould be full of peace and love: and therupon, by our speciall warrant and allowance it was speciallie appointed, that the nixt Generall Assemblie sould be conveenned and holdin at Halyrudhous, the last Tuisday of Julie nixtocum.

"But we now perceaving, that by the meanes of these evill disposed, turbulent, and contentious spirits, all the proceedings in that Assemblie are brought in questioun and traduced, and by some no obedience givin, and by others, directlie oppositioun made to the acts concluded at that tyme; and therewith, among the brethrein, suche distractioun of mindes and bitter exasperatioun one against another: And howsoever the meeting of the brethrein, if it were in love, and peace, and unitie, no doubt would doe good in that kirk, so there is no questioun, but their conveenning, with a preoccupyed minde fraughted with invy and malice, would give the enemeis advantage to enter by that breache of their discord and divisioun, to make themselves strong, and to weaken them: Therefore, we, to preveene the danger that is imminent to the estat of the kirk, by the distractioun of men's affectiouns therin, and that the Generall Assemblie may be keeped with the greater tranquillitie and peace, have thought meete and expedient, the whole provinciall assembleis within thai our kingdome sall be keeped and holdin at their ordinarie places of meeting, the fourth of August nixtocum; and that in everie one of the said assembleis there be chosin two of the most godlie, peaceable, wise, grave, of the best experience of their number, with power and commissioun to conveene at Halyrudhous, the 27th of August nixtocum, with the remanent commissioners of the provinces, and with the commissioners of the Generall Assemblie, and suche of our counsell as it sall please us to nominat for that effect; there to confer, reasoun, and conclude by commoun advice, upon the most convenient

remedeis against these evills, which, for laike of sufficient preparatioun, might fall out at the said Generall Assemblie; that therafter, the same being holdin and keeped in suche a peaceable and quiett maner, as might bring true confort to the godlie, and terrour to the wicked. And in the meane tyme, we have thought expedient, that the Generall Assemblie which was to hold, be prorogued to the 24th of November nixtocum; and that no persoun presume to keepe the said Assemblie in anie place whatsomever untill the tyme, that the commissioners from the synods first proceed in their meeting; and we have appointed the place of keeping the said Generall Assemblie to be in Dundie, the day foresaid.

"Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe, and in our name and authoritie, make publicatioun and intimatioun heerof by opin proclamatioun, &c. Certifeing all suche as upon anie pretext whatsoever sall presume to conveene and assemble themselves contrare the tenour and intent of this our proclamatioun, they sall be punished and proceeded against as contemners and disobeyers of this our most royall commandement.

"Givin under our signet, at our Court of Greenewiche, the 24th of May, and of our raigne the fourtie-five yeeres."

This charge was proclamed at the Croce of Edinburgh upon Moonday, the penult of Junie. They putt fooles in hope of a Generall Assemblie, at the conventioun of Linlithquo, to be holdin in Julie nixtocum. But the wise and judicious beleeved them not more in that than in other things promised at that tyme; nay, it was their intentioun, that there sould be no Generall Assemblie at all, till they had sufficient tyme to prepare men for their purpose; and that nothing be handled in the same but what pleased the king and his bishops. Howbeit, it was now prorogued till the 24th of November nixtocum, yitt no suche thing was meant in good earnest, as tyme did prove.

THE SYNOD OF FIFE CONVEENED AT DYSERT.

Upon the secund Tuisday of Junie, the synod of Fife conveenned at Dysert, where were present the commissioners for the king. The proceedings may be gathered out of this letter following, writtin by Mr Johne Dykes to Mr James Melvill:—

"Right reverend and deere Father,—Among manie greefes at this tyme, it is one to me, that I visite you not at the first, &c. The proceedings of the visitatioun of the Universitie of St Andrewes, and the colledge of theologie, they are deere of the wrytting; for all resolves in that, that the rowme of Mr Andrew Melvill, proveist of the New Colledge, is found vacant, and that onlie by vertue of the ordinance of the English counsell, and not by anie thing that can be found at home, to make anie processe against him, howbeit the maisters spaired not to purge themselves of all amisses in œconomie, that the burthein of all might ly on him. As for this yeere's stipend, it is promised now, albeit more by favour of some of the counsell than of the ministers, who, as I wrote in my last letter, kythed little duetie of freindship that way, (the Lord forgive them!) and therefore are they weill payed home again, for their stipends are clipped a great deale, and speciallie Mr Patrik's, 400 pund taikin from him and the colledge, and assigned to the kirks therof. Mr Robert Howie is ordeanned to be charged with letters of horning, to accept of Mr Andrewe's place, and a new meeting appointed for that effect, to the thrid of August nixt. Mr David Auchinmowtie is constituted Œconomus. The onelie duetie discharged by the universitie in that meeting, was upon the parts of the students of theologie, who gave in a supplicatioun for restoring of their maister unto them. But it wrought nothing. The president and Mr James Nicolsone are all rulers of that mater, and Mr George, bishop, foolishlie fordward. What the mysterie of maters be, and wherunto all will turne, we can not tell. It is supposed that Mr Johne Johnstoun will hardlie yeeld the superiour place to Howie; and it is thought that the bishop

sall be proveist of the colledge himself, and they two *pares*, for eshewing of emulatioun. And so our devill sall play, '*occidisti, possedisti*,' as he has done before times. I can not forgett the proceedings of our late synod at Dysert, the secund Tuisday of Junie, where were three commissioners for the king, urging to accept the bishop constant moderator, by vertue of the act at Linlithquo; but all in vaine. The Lord directed our brethrein almost whollie, so that that tyrannie was stoutlie oppouned unto. Mr William Cranstoun, moderator, in speciall, did an honest and stout part, both in doctrine, prayer, and actioun of moderatioun, whereby our metropolitan was mightilie dashed by his expectatioun, and the Lords of Counsell commissioners farre frustrated, to whom the bishop had promised that all sould be chewed meate against their comming. To whom, when they saw the oppositioun made, the Lord of Halyrudhous said, 'Bishop, (quoth he,) is this your chewed meate? me thinke that you and we both are like to wirrie on it.' Mr James Nicolsone being there, was never putt to suche a pinche in his tyme, for to make good that forged act at Linlithquo. He was so dashed, that he wist not what to make of it. He was a mater of pitie to us all. The treacherie of it was seene and perceayed by all that were present. They made a sort of reading it to us, but we would understand nothing without a copie, which no wise could be granted us. In end, it was thought expedient we sould continue our Assemblie to the last of September; for that argument of letters of horning moved our brethrein most. Yitt I feare, if they had urged horning, we would have assayed whose sword was sharpest, and what we could have done by excommunicatioun against our bishope. But the particulars of all, your sonne, Mr Ephraim, will acquaint you with."

This dyet of the synod of Fife was condescended upon before, at the meeting which they had last upon the sands of Dysert. They were discharged by the king's letters to hold the synod at that tyme. The discharge was purchassed by Bishop Gladestains, and the day prorogued to the first Tuisday of Junie, in the king's letters. So they agreed to prorogue by their owne authoritie, to the

same day that was conteaned in the proclamatioun, but upon conditioun, that incace that day sould be prorogued again by charge and proclamatioun, that they sould meete and proceed without farther questioun, whatsoever might follow; and in the meane tyme, appointed some to compleane to the counsell. Mr Johne Dykes, relating their proceedings at that meeting, in a letter writtin to Mr James Melvill, subjoynneth these words following:—

"The thing most contended for is, the constant moderatioun of the provinces, in the persons of the bishops where they are; and namelie, in our province of Fife, in the person of the Archbishop of St Andrewes. The act of Linlithquo, wherupon they ground all this, can not be gottin produced as yitt, six moneths being past since it was made. There is treget in it by the confessioun of all that were present at Linlithquo. There is not a province in Scotland that has accepted as yitt the provinciall moderator except Angus, and that not without oppositioun. The act was read there, but a copie of it by no meanes could be obteaned. There is good hope of honest standing in our province, howbeit mightie tentatiouns be used, and all meanes to breake them and purchasse votes. The devill raigned never more in flesh nor in Mr James Nicolsone, *graviter impudens*, a horrible exemple of apostasie running to the highest degree. Mr Patrik Simsone is a gone man in his bodie, but mightie and strong in God's caus; who, becaus of his inabilitie, conveened certane brethrein of the province unto him before the synod of Perth, and cleered the whole caus unto them; regraiting speciallie the apostasie of our ministers, and charging them to oppone to the constant moderator, or wishing ellis never to see their face again incace they did otherwise."

MR HENRIE LIVINGSTOUN CONFYNED.

Upon the elleventh of June, Mr William Row and Mr Henrie Livingstoun were summouned to compeere before the counsell. Mr William was advised not to compeere unlesse the counsell would relaxe him from the horne, and make him free of the comp-

troller, who had letters of captioun to apprehend him, and committ him to Blackenesse. But it was refused; wherupon he retired out of Edinburgh. Mr Henrie Livingstoun compeered, and with great difficultie obteaned the favour to be wairded in his owne parish, but so that he repaire not to the presbyterie or Assemblie till his Majestie's farther pleasure were knowne.

MR P. GALLOWAY APPOINTED MINISTER OF EDINBURGH.

About the end of June, the commissioners of the Generall Assemblie, some wherof were bishops, conveened in Halyrudhous, and appointed Mr Patrik Galloway and Mr Johne Bell to be ministers of Edinburgh, before they made the presbyterie acquaint with their proceeding. Yitt afterward they obteaned the consent of the presbyterie that they sould serve as generall ministers in Edinburgh without a particular flocke, which was all that Mr Patrik aimed at. But Mr Johne Bell refused ather a generall or a particular ministrie there.

SOME OF THE IMPRISONED MINISTERS COME IN THE KING'S WILL.

Upon Thursday the secund of Julie, the ministers underwrittin, after they had beene referred to the bishops, were called before the counsell, and by perswasiouns were enduced to subscribe as follows:

"Forasmuche as our proceedings at the Assemblie at Aberdeene, and ratificatioun therof, wherin we intended not to have offended his Majestie, have beene conceaved by his Hienesse and your Lordships to be an offence, we are sorie, and come in his Majestie's will for the same in our lives, bodeis, lands, and geare. Subscribed with our hands at Edinburgh, the secund day of Julie, 1607.

(*Sic subscribitur*) "MR NATHAN INGLIS.
"MR JAMES GREG.
"MR WILLIAM FORBESSE."

Mr Robert Youngsone and Mr James Irwing stood to the lawful-

nesse of that Assemblie; and as for the writt of the commissioners, and letters of the counsell, they professed they tooke them not to import disobedience; yitt, if their lordships find it so to be, they were content to underly farther punishment.

MR J. MELVILL'S LICENCE FOR A MONETH.

Mr James Melvill, after the death of his wife, obteaned, by the Erle of Dumbar's moyen, licence to returne home, to take order with his privat effaires; with provisioun that he no wise preache nor resort to the presbyterie, synodall, nor Generall Assemblie. So Mr James stayed a moneth, and went backe to Newcastell to his confynement.

MR J. BALFOUR'S CONFYNEMENT CHANGED.

About the beginning of Julie, Mr James Balfour, minister of Edinburgh, was charged to remove from Cockburnspeth, where he was confynned, to Aufurd in the North, where Mr Johne Forbesse was minister, there to stay and preache, but no where ellis. He was convoyed out of Edinburgh the elleventh of August by the magistrats and some of the counsell. Being diseased, he stayed at Innerkething, and went not to Aufurd. Thus the ministers sent for to court were used without anie processe, and against all law and order.

MR R. HOWIE PLACED IN MR A. MELVILL'S PLACE.

Upon the 27th of Julie, Mr George Gladestains, Bishop of St Andrewes, convcened the universitie, the schollers being almost all gone to the vacance, within the schoole of the New Colledge; and there declared his Majestie's will, that Mr Robert Howie sould be placed proveist in that colledge in the rowme of Mr Andrew Melvill, who for treasonable words was putt in the Towre of Londoun, and therefore removed from his place in the colledge. So Mr

Robert was placed there in the king's name during his Majestie's pleasure. Protestatiouns were made in the contrare, in respect no processe of depositioun had beene intended against Mr Andrew. But all was repelled with minassing speeches, to take heed to speeke for tratours, least they be closed up with him, &c. Mr Robert Howie refused to accept the place unlesse he had it granted *simpliciter ad vitam.* But he was imperiouslie commanded by the bishop to accept it; "For it sall be no otherwise than I have spokin," said the bishop. So he tooke documents and entered. This actioun was ended in lesse than a quarter of an houre.

A PARLIAMENT.

Upon Saturday the first of August, the parliament satt doun in Edinburgh. The king's commissioner, Lodovick Duke of Lennox, propouned to the nobilitie, that the two archbishops sould have the first place, and ryde with the honours. The most part of the ancient nobilitie were absent; the most part who were present were new nobilitated. They granted liberallie the place to all the bishops, but in derisioun, thinking they would not accept it. But they accepted it als freelie as it was offered. So they raid and sett in parliament, with great derisioun and detestatioun; but ambitioun and advancement made them senselesse. Before they entered to maters, the Bishop of St Andrewes, Mr George Glaidstains, made an harangue, which was called the "Bishop's Sermoun." He choosed for his text, 2 Chron. xix. The most remarkable observatiouns were the following:—

Ver. 4. "Josaphat brought them again to the Lord of their fathers." Refuting heere the errour of them who said with Donatus, "*Quid Imperatori cum ecclesia?*" he affirmed these positiouns:—

1. That the prince onlie had power to convocat ecclesiastick synods; for confirmatioun wherof, he used Beza.

2. That the prince may not onlie *interesse,* but *præesse,* and be moderator in ecclesiasticall assembleis.

3. That the prince may judge and cognosce in maters meere spirituall, ather by himself, or by his commissioners or delegats.

Ver. 8. "Josaphat sett of the Levits." Heere he spake concerning the rankes and degrees of ecclesiasticall persons, and affirmed, that since God had a kirk on earth, there were rankes in it; where he affirmed these positiouns:—

1. That the Lord's Levits was a style of Scripture givin to the fathers of the kirk.

2. He thanked the lords and estats, who had restored the bishops to their ancient dignitie, which by injurie of tyme, through the ignorance of the people, who were not rightlie instructed, was kept backe from them.

3. He called them "rascalls," that mistoonned the people, and oppouned themselves heerunto.

4. Likewise heere he affirmed, that it was lawfull and pertinent to ecclesiasticall persons to meddle in civill effaires, and to be counsellers to kings.

5. Alledged, that this judicatour constituted by Josaphat was mixed of civill and ecclesiastick, Levits and elders; and for prooffe of that, said that the subject was betuixt blood and blood, "which," said he, "was a criminall caus."

6. To the same point, he alledged also, that to Achitophel, in the counsell of David, succeeded the preests Zadock and Abiather: that when Christ said, "Who made me judge over you?" he so said, becaus he had no commissioun of Cæsar, otherwise he would not have refused to be judge. Lastlie, he nather prayed nor uttered a petitioun to God, but used this speeche, "Lett us pray that God will," &c.

In handling of these poinits, he used to interlace these words, "They will call mè heere a leing and flattering bishop; but it is not I, but the Spirit of God, that flattereth and leeth, if anie be."

There was an act made tuiching the Chapter of St Andrewes, the tenour wherof followeth:—

"Forasmuchè as the conventuall brethrein, and channons of the monasterie of St Andrewes, were the ancient chaptour and coun-

sell of the archbishop therof, who are now decaying, and few of them being alive; lyke as the pryourie and fruicts therof are to be erected in a temporall lordship; and necessar it is, that the said archbishop sall have a constant chaptour, according to the ancient policie of the kirk, and fundamentall lawes of this kingdome: Therefore, our soverane lord, with advice of the estats of this present parliament, gives, grants, and committs full power and commissioun to George, Archbishop of St Andrewes, to elect and nominat seven qualified persons at the least, dwelling and having charge and administratioun within his diocie, to be the perpetuall convent, councell, and chaptour of the said archbishoprick in all tyme comming; and after the deceasse, or removing of anie one or moe of them from their present place, the intrant succeeding to the said charge or place, to succeed also in that rowme of the chaptour or convent; and yitt, neverthelesse, reserveth to the said archbishop and his successours their ancient priviledge, to witt, that the commoun seale of the said chaptour to be made of new by their owne advice, sall serve for their owne consents, without their subscriptiouns. Attour, it is found and decerned, that the present commoun seale of the said chaptour, being appended to the evidents and rights alreadie made and granted by the said archbishop, has beene, and sall be in all tyme comming, a sufficient and perfyte consent of the chaptour, and als effectuall for securing the vassals and tennents, receavers of the said rights, as the samine had beene in anie tyme before; and so to endure in force, for consent of the said chaptour, ay and whill the electioun of the said chaptour, and making of the said new commoun seale."

MR J. NICOLSON'S DEATH.

At this parliament, the kirk of Meigle was annexed to the bishoprick of Dunkelden, in favours of Mr James Nicolsone, deadlie diseased in the meane tyme. The king induced him to accept the bishoprick against his heart, as he affirmed himself, a little before his death; in signe wherof, his gift never past the seales. Yitt

he went so farre in the course, that seing his devices crossed, nather the king nor the kirk contented, but his owne estimatioun greatlie impaired, and speciallie for depraving the act of Linlithquo, an heavie melancholie fell upon him, which did wring his life from him. Before his death, he uttered these, or the like speeches: The digesting of the bishoprick had wracked his stomack; meaning that his conscience could not digest the bishoprick. He would not suffer the name or style of a bishop to be putt in his latter will or testament, nor the rents therof to come in reckoning among the goods and geare left to his wife and children. Mr David Lindsey, now Bishop of Brechin, then minister at Dundie, and his familiar freind, privie to his greefe als muche as anie man, sett doun his last speeches in Latine verses; and among the rest, his exhortatioun to himself, not to haunt the court, and to eshew all the king's employments. But nather his greefe nor his admonitioun have wrought anie good effect upon Mr David; for he hath made no scruple to accept upon him the bishoprick of Brechin, and to defend all the corruptiouns and innovatiouns it pleased King James to obtrude upon our kirk.

THE FYFT OF AUGUST SOLEMNELIE KEEPED.

The fyft of August was solemnelie keeped in Edinburgh. The king's skoll[1] was drunkin by the duke his commissioner, and some other noblemen, at the Croce of Edinburgh, which was covered for the greater solemnitie. Bacchus was sett up, and muche wine drunkin, and sweete meats cast abroad; muche vanitie and pastyme, beside ringing of bells, and setting on of balefires. The pest brake up soone after.

THE SYNOD OF LOTHIANE.

The synod of Lothiane was holdin at Dalkeith, the 18th of August. Mr George Greir, minister of Hadintoun, the last

[1] Health.

moderator, making the exhortatioun, alledged out of Beza, *De Gradibus*, that a constant moderator was the first steppe to the Popedome. When they were to choose a new moderator, the king's commissioners produced their commissioun, together with a copie of the act of Linlithquo. Some of the ministrie who were at Linlithquo conventioun testified, that the part of the act which concerned moderators of provinciall synods was foisted into the act. The resolutioun of the synod is sett doun in the act following:—

"*Dalkeith, 18th August*, 1607. *Sess.* 1, *ante meridiem.*

"The which day, the act made at Linlithquo in December last, 1606, being read in the audience of the whole brethrein conveenned; and sindrie of the brethrein who were present at the said meeting of Linlithquo being posed in conscience before God, whether it was propouned, voted, and concluded in the said conventioun, that a constant moderator was appointed to be als weill in all the provinciall synods, as in all the particular presbytereis of this realme; they answered, that they never remembred that there was anie suche thing propouned there, muche lesse that it was ever voted or concluded by the brethrein of the Kirk of Scotland conveenned at that meeting. And becaus they thought the words of the said act made at Linlithquo, as said is, to be somwhat obscure and ambiguous, they thought it farre meetest to referre the explanatioun therof to the nixt Generall Assemblie, when and wheresoever it sall be conveenned. And so, the choosing of the moderator was differred till after noone, and the brethrein, after thanksgiving and prayers unto God by the said Mr George Greir, last moderator, were dimitted, to meete in the said place immediatlie after dinner.

"Extract furth of the booke of the acts of the provinciall assemblie of Lothiane and Tweddaill, by me, Mr Charles Lumisden, clerk, keeper, and extracter therof, which I testifie by my subscriptioun.

"CHARLES LUMISDEN, Clerk to the Provinciall Assemblie of Lothian and Tweddaill."

It was required, that two of the synod sould be sent to a conference, which was to be holdin at Halyrudhous. After long reasouning, it was granted, upon conditioun that they conclude nothing, but onlie advise upon suche things as were most expedient to be propouned.

THE SYNOD OF FIFE.

The same day, the 18th of August, the Synod of Fife was holdin at Dysert. Thither came foure commissioners from the king, to place Bishop Gladestains, moderator, viz., Lord Lindsey, Lord Halyrudhous, Lord Skoone, Lord Collector, Mr Johne Prestoun. The lords and the bishop had designed Mr Johne Mitchelsone, minister at Burntiland, to preache. But Mr William Cranstoun, minister at Kettill, moderator of the last synod, walking in the sessioun-hous, which was within the kirk, at his meditatioun, and finding himself troubled with the closenesse of the aire, goeth out of the sessioun-hous to the pulpit, partlie for more opin air, partlie that his affectioun might be stirred up with singing the psalmes; not knowing that anie other was appointed by the commissioners to preache. Whill he was sitting in the pulpit, a messinger is sent to him with a letter. He receaveth, and putteth it in his pocket, not having leasure for other thoughts to read it. A little while after, another messinger is sent in the lords commissioners' name, to bid him come doun. He answered, he came to that place in the name of a greater Lord, whose message he had not yitt discharged; and with that, named a psalme to be sung, becaus he saw the people somwhat amazed. Then one of the bailliffes came to him, and rounded in his eare, that he was commanded by the lords to desire him to come doun. He answered, "And I command you, in the name of God, to sitt doun in your owne seate, and heare what God will say to you by me." The bailliffe obeyed. At last, when he was entering to the prayer, the Conservatour of the Priviledges of the Merchants in the Low Countreis, being a counseller, went to him, and rounding in his eare, desired him to

desist, for the lords had appointed another to teache. "But the Lord," said Mr William, "and his kirk has appointed me; therefore, bewarre yee trouble this worke;"—and without further, entered to prayer and doctrine.

Nather the bishop, nor anie of the commissioners, the Lord Lindsey excepted, would come to heare him. The bishop, like a subtile serpent, eschewed charming. After doctrine, the ministers satt doun in the assemblie. Mr Johne Cowdan, minister of Kinrosher, occupyed the place of the last moderator, when his doctrine was censured. The archbishop, Mr George Gladestains, was censured for his absence from the doctrine. The moderator said, an atheist could not have done worse than he did. The grave bishop thinking that he had directlie called him an atheist, rose up and said, "How dow I thole to be called an atheist?" Turning him to Mr Johne Cowdan, he said, "Thou profane dog! if thou had not beene a wylde beast, thou would not have called me an atheist: I am als honest in my calling and roome as anie minister heere." The king's commissioners were forced to say, he was unworthie to be in the number of ministers, lett be to be a bishop, or constant moderator over them, seing he could not moderat his owne passiouns. Mr Cowdan replyed to him, "Weill, Sir, your pride, I hope, sall gett a fall. I saw the judgement of God upon your predecessour, and if yee amend not, I beleeve to see the like upon you." The brethrein were offended both with the one and with the other.

Mr William, after his censure, entereth into his owne place again, and willed the names of the last leits to be read, for electioun of a new moderator. The king's commissioners shewed, they had commissioun to see the Archbishop of St Andrewes placed moderator in that synod. The moderator desired the act to be produced. After it was read, the brethrein answered, that it was constantlie affirmed by the brethrein that were at that meeting of Linlithquo, that no suche thing concerning moderators of synods was propouned, reasouned, or concluded at that conventioun, and, therefore, they would not acknowledge that act so long keeped closse, and

comming to light but now of late, till all the presbytereis of the province had first advised therewith severallie, and conferred with other synods. For this end, they craved a copie to everie one of their presbytereis. The king's commissioner said, they triffled with the king. One of them called for the officer of armes, that was appointed to charge them with letters of horning; tooke the catalogue of the names in his hand; demanded at everie one, severallie, whether they would accept the bishop to be constant moderator of the synod, or not? The officer was commanded to give everie one that gave a negative voice a charge presentlie to accept, under the paine of rebellioun, and putting to the horne. The brethrein answered severallie, that they would rather abide horning, and all that can follow therupon, than lose the libertie of the kirk: the office is unlawfull, the man is unworthie. All refused but two or three, Mr Josuah Durie, Mr William Murrey, Person of Dysert, Mr David Monypennie, Mr Johne Caldcleughe, Mr Robert Buchanan, Mr Thomas Dowglas. Some went out of the assemblie er it came to voting, viz., Mr Johne Mitchelsone, Mr James Wilsone, Mr William Murrey, minister of Carraill, Mr Andrew Bennet, minister at Monymaill.

The bishop perceaving the brethrein to be so couragious, and fearing excommunicatioun, spake with the commissioners apart; promised to take upon him to satisfie the king, and therefore desired the brethrein might be spaired. The commissioners were weill contented, and answered, that they would lay all the blame upon him, if his Majestie were offended. And so they called for the officer to discharge the assemblie by the king's letters, and to charge them not to conveene again without speciall warrant from the king. The king's commissioners had a commissioun to see Gladestains placed constant moderator of the synod: Next, to see that two commissioners be sent to the conference at Halyrudhous: Thridlie, to try what the constant moderators of presbyteris had done against Papists; and, Last, to see that the fyft of August was solemnelie keeped, as it ought to be. After long reasoning, and utter refusing of the first point, the synod besought the commis-

sioners to invert the order, and first, to suffer two to be nominated for the conference at Halyrudhous. The comptroller would on no wise consent, but assured them, if the first were not granted, it behoved them to dissolve the assemblie. In end, the mater was drawin to a privie conference, and resolved in to this midds, That it behoved them to charge all the brethrein that refused to accept the moderator with letters of horning. Yitt the bishop promised to write to the king in favour of the ministers, and shew that he desired not the office, and therefore the executioun sould stay, whill the answere be returned. The assemblie layed to the commissioners' charge, that at their last meeting they promised to superseed all things till the last Tuisday of September, and promised everie presbyterie a copie of the act, which was not performed, and yitt they would proceed with rigour. The assemblie dissolved upon Wedinsday, the 19th of August, about ten houres.

The synods of Merce and other provinces followed the same course which the synod of Fife and Lothiane keeped, except Angus, which had alreadie accepted their constant moderator. It was a craftie device, that the synods sould hold all in one day, that none might understand what others had concluded: yitt were the king and the aspiring bishops disappointed of their purpose.

THE DYET AT HALYRUDHOUS DESERTED.

When the 27th day of August was come, there was no meeting nor conference at Halyrudhous, partlie becaus the synods appointed no commissioners, or were abruptlie dissolved; partlie becaus Mr James Nicolsone, who had cheefe credit in the king's course, had departed this life; and, therefore, it behoved them to fall to new devices.

MINISTERS CONFYNNED AND PUTT TO THE HORNE.

The Bishop of St Andrewes, Mr Gladestains, contrarie to his promise, informed the king, after his owne maner, of the proceed-

ings of the synod of Fife, whereby he procured this charge following, upon some particular brethrein who opposed most against his admissioun to the moderatorship of the synod:—

"JAMES, by the grace of God, etc.—Forasmuche as we, and the Lords of our Secreit Counsell, are sufficientlie informed of the insolent cariage and misbehaviour of Mrs Johne Dykes, Johne Scrimgeour, and Johne Cowdan, ministers at the last Synod of Fife, keeped at our burgh of Dysart, and how farre they did transcend the bounds of that modestie that becometh men of their calling and functioun; and therewithall, did misregard the acts of the Generall Assemblie, especiallie of the last keeped at Linlithquo, and to the effect, that their impunitie for their grosse oversights sould not encourage them and others to farther contempt heerafter: Therefore we, and the saids Lords of our Secreit Counsell, have ordeanned, and ordeane, that they sall be confynned within the bounds of their owne parishes where they are ministers, there to remaine, whill we and the saids Lords of our Secreit Counsell, upon our full certificatioun of their misbehaviour, give farther directioun towards them as apperteaneth.

"Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe, and in our name and authoritie command and charge the saids persons to conteane themselves within their saids parishes, and no wise to depart therefra, nor transcend the bounds thereof, whill they be fred and releeved, under the paine of rebellioun, and putting of them to our horne. September 24th, 1607."

The bounds of their confynement was enlarged. Mr Johne Cowdan was confynned in the Presbyterie of Dumfermline, Mr Johne Scrimgeour in the Presbyterie of Kirkaldie, Mr Johne Dykes within the Presbyterie of St Andrewes. Mr William Cranstoun, hearing that he was to be putt to the horne, went to Mr George Gladestains. He challenged him for violating his promise. The bishop cursed himself if he knew anie suche thing. But Mr William repeated what he had writtin to the king, and what the king had writtin backe againe to him, and said, "I saw the judgement

of God upon your predecessor: woe is me for that judgement of God that is comming upon you! Suppose I be an aged man, verie unmeete to undergoe troubles, I may live yitt to see you ather repent, or God's judgement to fall upon you." Yitt was he putt to the horne, the day following after this conference. About the same tyme, a warrant was obteanned to Mr Robert Wallace to returne to his owne parishe, to be confynned there.

THE SYNOD OF FIFE DISCHARGED.

About the end of September, when the ordinarie tyme of the Synod of Fife was to hold, Mr James Law, Bishop of Orkney, and Mr Gawin Hammiltoun, Bishop of Galloway, came to St Andrewes, on Fryday, the 27th, and brought with them letters from the counsell, to discharge the conveening of the synod. The letters were proclamed at St Andrewes and Cowper upon Saturday; in Kirkaldie upon the Lord's day; in Dumfermline upon Moonday, at nyne houres, when some of the ministrie were upon their journey to Dysart, the place appointed for holding the synod.

A PREEST MADE A SPECTACLE.

Upon the 27th of September, a preest, who had beene a certane tyme in waird before in the Tolbuith of Edinburgh, was brought doun on the mercat day to the Mercat Croce, with all his messe clothes upon him, wherewith he was taikin, with his chalice in his hand. He stayed at the Croce from ten houres till twelve. Then all his messe clothes and chalice were burnt in a fire beside the Croce, and himself caried backe to waird.

THE SYNOD OF LOTHIANE DISSOLVETH WITHOUT A MODERATOR.

Upon the 27th of October, the Synod of Lothiane conveened at Dalkeith. It was voted, whether they sould accept one of the constant moderators of the presbytereis, to moderate the synod this

one tyme, he being sworne, under paine of perjurie, to lay doun that office at a certane day, and to reteane it no longer? Seventeene voted affirmative, fourtie-seven negative. The 47 were presentlie charged, under the paine of horning, to retreate their voices within three houres. Some went furth. The most part, yea, almost all, cryed, Remove the constant moderators, with some others, that they might make their choice. So Mr Patrik Galloway was removed, with the constant moderators of the presbytereis, and by pluralitie of votes was chosin moderator of the synod. The king's commissioner, Mr Thomas Hammiltoun, advocat, discharged him in the king's name from accepting of it. Mr George Greir, last moderator, charged him in the name of God and of the Assemblie to accept it; and so left the chaire. Mr Patrik would obey the king, and would not conceave a prayer. Mr George would not conceave it, because he was exonered. Some tyme being spent in speeches to and fro, the advocat desired Mr Patrik to conceave the prayer. So they dissolved, without appointing anie new dyet, and wanting a moderator.

THE SYNOD OF MERCE AND TEVIOTDAILL.

The Synod of Merce and Teviotdaill being urged by the king's commissioner, my Lord of Roxburgh, to admitt one of the constant moderators of the presbytereis to moderat the synod, he gott a flatt *Nolumus*. They discharged the constant moderators of presbytereis within their bounds, to occupie their places anie longer, and charged the presbytereis, so manie as had admitted anie of them, to choose new moderators after their returne home. So Johne Clappertoun was charged to dimitt the moderatorship of Churneside Presbyterie, Mr David Hume of Dunce, Mr James Knox of Kelso Presbyterie. Mr Johne Knox, designed by the act of Linlithquo, moderator of Melrose Presbyterie, refused to accept, and therefore was putt to the horne. The Presbyterie of Jedburgh had not yitt accepted Mr Johne Abernethie. So at the first meeting of their presbytereis, Churneside, Dunce, and Kelso,

choosed new moderators. The Erle of Dumbar, latelie come from court, wrote to the counsell, to see suche insolence punished, (for so he termed it.) Wherupon Mr Tobias Ramsay, minister at Foulden, moderator of the synod, and Johne Smith, minister at Maxtoun, clerk to the synod, being summouned, compeered before the counsell. The counsell demanded of Mr Tobias how he durst moderat in suche an assemblie, contrarie to the act of the Generall Assemblie holdin at Linlithquo? He answered, it was not a thing desired by him, but layed upon him by the votes of the brethrein. Nixt, they demanded how he durst make suche a motioun, as to alter the moderators of the presbytereis? He answered, that the motioun came not from him, but being propounded by others, he thought that place fitter to treate of that mater than the presbytereis, by reasoun of sindrie wise and grave men were there assembled. They demanded of Johne Smith how come it that he was clerk? He answered, he was chosin by the Assemblie. They were presentlie charged to enter in waird at Blacknesse, within fourtie-eight houres. But after consultatioun with some brethrein of the best affected, they resolved rather to withdraw themselves for a tyme, than to enter to a place where they could find no confort nor hope of releefe, without confessioun of a fault. Johne Clappertoun was also called before the counsell, and asked why he dimitted his place? He answered, becaus the synod had commanded him. Being asked whether he would accept the place *de novo*? he answered he would. The man was ambitious, and readie to embrace anie preferment. The other two presbytereis were to be charged to accept of new again their moderators.

A MEETING OF THE COMMISSIONERS AT FALKLAND.

Upon the seventh of October, the Bishops of St Andrewes, Cathnesse, Brechin, Aberdeene, Mr Alexander Lindsay, Persoun of Sanctmadocs, appearand of Dunkelden, the Bishop of Dumblane, Mr Robert Wilkie, Mr Robert Howie, Mr Johne Strauchane, Mr Johne Caldcleuche, and some others, conveened at Falkland. The

Bishop of St Andrewes produced a warrant for suppleing Lauristoun's place. Mr Johne Mackbirnie being summouned for preaching against bishops and constant moderators, compeered, and promised to meddle no more with these controverted points in pulpit before the people, but onlie to preache Christ Jesus, whill he saw his tyme, which was admitted. Good brethrein were offended. Mr William Cranstoun's parochiners solisted that he might be relaxed from the horne, and his closse waird changed in confynement in his owne parish. The bishops were appointed to requeist the counsell for him.

THE GENERALL ASSEMBLIE PROROGUED.

The Generall Assemblie was prorogued by opin proclamatioun. The true caus was, becaus they had not gottin the constant moderators established as they looked for, and perceaved there was yitt zeale in the greatest part of the ministrie; howbeit other reasouns be alledged in the proclamatioun, the tenour whereof heere followeth:—

"JAMES, by the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith. To our lovits, etc.—Forasmuche as the Generall Assemblie being appointed to be keeped in the moneth of November nixtocum, at our burgh of Dundie; and upon a speciall regarde to the weale of that church, for the preventing of all disorder and confusioun in that meeting, which ought to be a president, and sould give good exemple to all others of good order, discretioun, and duetifull cariage: We having ordeaned a meeting of some commissioners from everie synod in September last, to the effect all things may be so duetifullie prepared, as the adversareis of the religioun sould not take anie advantage of the contentiouns among the brethrein at their meeting: But so perverse is the dispositioun of some, who doe accompt nothing for oracles but the inventioun of their owne braine, that disdaining the course concluded by us, and by all appearance directlie opposing themselves to the peace of that church, by absenting themselves; or

withstanding the sending of commissioners to the foresaid meeting, which was appointed in September last, as said is, doe cleerelie thereby demonstrat their unquiett and unruelie inclinatioun, as too manifestlie appeares in this their insolent and wilfull misregarding of these acts of the Assemblie at Linlithquo, made with so uniforme an applause: But wheras this was more than sufficient caus to have stayed the meeting of the said Assemblie, which, without the preceeding preparatioun, must needs be tumultuous and disorderlie; so in like maner, God's present visitatioun of our said burgh of Dundie by the plague, inforceth the prorogatioun of the said Assemblie to some other tyme. As also, where in the last Assemblie keeped in our presence, before our comming out of that kingdom, speciall commissioun was givin for visitatioun, the reports wherof are onlie the speciall things to be treatted on in this Assemblie, yitt so great has beene the neglect of them who were appointed to goe, everie one in circuit within the bounds of their visitatioun designed, that hitherto the same hath beene pretermitted: To the effect, therefore, that in this point, the conveening of the said Assemblie sould not be ineffectuall, we have by our speciall letters willed these commissioners there appointed, everie one to have care in reporting against the tyme of the Assemblie here undermentiouned, their severall reports of their travells and toyells in their visitatioun; having also nominated others, in place of suche of the said commissioners as since that tyme are ather deceassed, exiled, or confynned.

"Our will is heerefore, yee passe, and in our name and authoritie make publicatioun and intimatioun, by opin proclamatioun at the mercat croces of our burghes of Edinburgh, Perth, Dundie, and other places needfull, that the Generall Assemblie is continued and prorogued to the last Tuisday of Aprile nixtocum. At which tyme, it is to be keeped within our said burgh of Dundie; and betuixt and then, it may be hoped, that it may please God of his mercie to remove the said plague of pestilence. And in the meane space, all clergie men whatsoever, of whatsoever ranke or degree, are discharged heereby, lyke as that yee in our name and authoritie

discharge them, of all conveening in anie forme of pretended Assemblie, at our said burgh of Dundie, or anie part ellis, the said 24th day of November nixt, or anie day therafter, before the said last Tuisday of Aprile, under the paine of incurring our high displeasure, and the contempt of the same to be punished in most severe maner, and highest degree. The which to doe, &c. By these our letters, givin at our court of Roystoun, the 18th day of October, and of our raigne the, &c.

"*Per Regem.*"

The fairest pretence of proroguing the Assemblie heere alledged is, that the commissioners appointed for visitatioun in the Generall Assemblie holdin the yeere 1602, might have leasure to travell in their owne circuits, and report to the nixt Assemblie; wheras, first, they ought to have beene censured for not discharging their dueteis so manie yeeres, and the Assemblie ought not to have beene prorogued, or the kirk prejudged, in holding of an Assemblie for their weightie effaires, for their negligence. Nixt, if the conventioun at Linlithquo was a lawfull Generall Assemblie, their commissioun expired then, or might have beene continued. But the truthe is, some of these visiters had gottin bishopricks, and, under colour of visitatioun, were to procure commissioners to the nixt Generall Assemblie, suche as would not oppone to their course; and to settle constant moderators where they were not yitt receaved, as we sall see in the progresse of the historie.

MR J. MELVILL REFUSETH PREFERMENT.

Upon the eight of October, Sir William Anstruther shew to Mr James Melvill, that he had commissioun from the king to deale with him to leave off his opiniouns, and apply him to his service, with assurance, that he sould not onelie be accepted in favour, but also be advanced above anie minister in Scotland. He answered, no man was more willing to serve the king in his calling nor he, and that his Majestie knew verie weill his affectioun; what service

he had done, and was willing to doe, so farre as conscience would suffer him. "His Majestie findeth no fault with me," sayeth he, "but that I can not be a bishop." "True," said Sir William, "why will yee not take one; as namelie, the bishoprick of Dunkelden, which is now vacant?" "There are three sort of bishops," said Mr James, "divine, humane, and devilish: I am, by the mercie and grace of God, one of the first. The secund sort, which the king would have sett up again, was justlie, and by warrant out of the Word of God, overthrowne in Scotland, is daylie declynning to the devilish and satanicall, with which in substance it is all one, and in my conscience and understanding, has perverted all true policie and religioun, wracked the Christian impyre and kirk, and hath beene the mother of all dissolutioun and atheisme. If in my judgement I thought it would not undoe his Majestie's monarchie, and the Kirk of Christ within the same, and so bring on a fearefull judgement, I could als gladelie take a bishoprick, and serve the king therin, as I would keepe breathe within my bowcke. So farre am I from delyting to contradict and to oppose to his Majestie, as is layed to my charge; for in all things, saving my conscience, his Majestie has found, and sall find, me most prompt to his pleasure and service. When I had a warrant for me, what did I not effectuat at his Majestie's desire, as namelie, the excommunicatioun of Bothwell, thanksgiving for his preservatioun at Perth?"

CONFERENCE BETUIXT THE SECRETAR AND MR J. MELVILL.

Secretare Elphinstoun conferring with Mr James Melvill as he went to court, promised to doe muche for pacifeing the estat of our kirk, if he were informed of the discipline and order of our kirk governement. After short informatioun by word, by reasoun of the shortnesse of the tyme, Mr James wrote a short treatise of the discipline and governement of the kirk in Latine, which he sent to him in the moneth of Februar following.

MAXWELL AND MACKONEILL BREAKE WAIRD.

In the beginning of December, the Lord Maxwell being wairded in the Castell of Edinburgh, deviseth a play for his keepers, whereby it behoved them to runne out of the hous where he lay. They layed aside their swords. Maxwell, and another gentleman who came purposelie to assist him, with the advice of Mackoneill, take their swords, close them in a hous, come to the castell gates, hurt the porters, lappe the castell wall at the utter gate. Maxwell and his freind departed. Mackoneill, becaus he had the boyes on his legges, wreisted his kute in leaping; yitt he creeped to a dunghill. The cry rysing, he was diligentlie sought, found, casting the mucke upon himself, and was brought in to the castell again. This fell furth in the gloming. The rest of the wairders were keeped the straiter. Closburne was intised by them, but refused to breake waird.

THE GENERALL ASSEMBLIE AGAIN PROROGUED.

The Generall Assemblie was again prorogued by this charge following:—

"JAMES, by the grace of God, King of Great Britaine, France, and Ireland, Defender of the Faith, to our lovits, &c., our shireffs in that part, conjunctlie and severallie, speciallie constituted, greeting:—

"Forasmuche as the Generall Assembleis of the kirk having, upon manie necessarie considerationns, receaved sindrie continuationns heeretofore by our speciall command and directioun, we, of our princelie care, and fatherlie favour and affectioun to the peace and weale of this kirk, having left no good meanes unassayed to extinguish the fire of divisioun standing amongst the brethrein, and to bring them to an uniformitie of mindes and harmonie, and charitie, and they themselves made the more able and strong to oppose themselves against the adversareis of the truthe, and contrarie professors, whose increassing number and practises have proceeded of

nothing so muche as the dissensioun amongst the ministrie; and the last prorogatioun and continuatioun having proceeded upon a godlie course and resolutioun intended by us, by directing of the commissioners nominated by the Generall Assemblie with our consent, to have visited the whole presbytereis and particular congregatiouns within this our kingdom, the said visitatiouns, in respect of the long and great storme, and unseasonable tyme of the yeere, have receaved no effect nor executioun: And we considering, how that it is most necessar and expedient that this visitatioun sould yitt preceed the said Assemblie, and we being minded, if the necessitie of other weightie effaires impesche us not, to honour this our native countrie with our owne presence this yeere, and to be present our self at the said Assemblie, and by our royall authoritie sattle the present jarres and differences in the kirk, and establishe the same in a perfyte unitie, love, and harmonie; therefore, we have thought meete yitt to prorogat and continue the said Assemblie, untill the last Tuisday of Julie nixtocum, upon which day, God willing, it sall beginne and hold at our burgh of Dundie.

"Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe to the Mercat Croce of our burgh of Edinburgh, and other places needfull, and there, by opin proclamatioun, make publicatioun heerof; wherethrough none pretend ignorance of the same; and that yee in our name and authoritie command and charge all and sindrie our subjects of the ministrie, that none of them presume, nor take on hand to hold or keepe a Generall Assemblie, at anie tyme or place, before the said last Tuisday of Julie nixtocum, under all highest paine and charge that they may committ and * * against us in that behalfe. The which to doe, we committ to you, &c. duelie executed, and indorsed again to the bearer.

"Givin at our Court of Whitehall, the 24th of December, and of our raignes the 5 and 41 yeeres. 1607.

"*Per Regem.*"

The necessitie of visitatioun was but a pretence for prorogating

the Assemblie; for, under colour of visitatioun, the bishops manie of them appointed visiters at the Generall Assemblie holdin at Halyrudhous, *anno* 1602, when they had not as yitt usurped, nor become so insolent as they are now, intend to goe through the countrie, to seduce, pervert, and corrupt the ministrie, and to see commissioners chosin to the nixt Assemblie, suche as would yeeld to their course, if possible they could persuade the presbytereis, as the event proved. And yitt, their commission of visitatioun was expired and null of it self, as sall be made cleere in the owne place.

LETTERS UPON ASSIGNATIOUN DENIED TO SOME MINISTERS.

The platt of modificatioun of stipends past this yeere by the bishops allanerlie, all other commissioners excluded. The roll was putt in the collector's hands. Suche as had *Nota* at their name could gett no letters, notwithstanding of their assignatiouns, till the bishops and constant moderators gave a warrant for that effect. So the act of Linlithquo, as it was made up with treacherie, was putt in executioun with violence.

A VEHEMENT FROST.

A vehement frost continued from Martimesse till the 20th of Februar. The sea freized so farre as it ebbed, and sindrie went in to shippes upon yce, and played at the chamiare a myle within the sea marke. Sindrie passed over the Firth above Alloway and Airth, to the great admiratioun of aged men, who had never seene the like in their dayes.

APPEARANCE OF A SILVER MYNE.

Mr Thomas Hammiltoun, the king's advocat, discovering a silver myne within his lands neere Linlithquo, and distant from Edinburgh about ten myles or thereby, obteaned therafter of his

Majestie a new infeftment of his lands, conteaning therin the said myne and minerall, with the whole profite therof to himself, paying onelie the tenth pennie to the king. At the first discovering, it was givin furth it was not of great importance; but within three quarters of a yeere or thereby, the brute went that it was otherwise. Wherupon the advocat was sent for, and renounced, as was reported, his infeftment of the said minerall. The king sent certan English and Scotish men, to bring a great quantitie of the ure to Londoun, to be melted and tryed. How it proved, it is not weill knowne to manie; but after that the myne was closed till his Majestie advised farther.

MR A. STRAUCHAN'S DEATH.

Mr Alexander Strauchane, one of the ministers banished for the Assemblie at Aberdeen, being diseased of the Flanders sickenesse, sent manie humble supplicatiouns to the king, for the libertie of his countrie air, without which, the physicians assured him, there was no hope of recoverie of his health. But no clemencie was to be found. He departed this life at Middleburgh, with great confort, and testimonie of his constancie in the caus for which he suffered.

M.DC.VIII.

MR J. MURREY WAIRDED IN THE CASTELL OF EDINBURGH.

Mr Johne Murrey, brother to the Laird of Abercairnie, after he had served seven yeeres at the kirk of Borthwick, and from thence was transported to Leith, at the earnest sute of the toun of Leith, and presbyterie of Edinburgh, assisted by the synod; after he had served there foure yeeres and an halfe, he was wairded in the Castell of Edinburgh, through the malice of the bishops, becaus he opposed to their entrie, and to everie step of their rysing as he had occasioun, ather in the synod or in the presbyterie, or in his

sermouns at Leith. The first motive of their miscontentment and malice against him was, becaus, in the additioun to the exercise in Edinburgh Presbyterie on Proverbs xxii., Mr Patrik Galloway being the first speeker, he openlie condemned the condemning of the ministers at Linlithquo, as unjust and unrighteous against the faithfull servants of Jesus Christ. The nixt was, his kindelie interteanement in his hous at Leith of the brethrein condemned to be banished, whill the winds served, and the shippe was readie wherin they were to saile. The thrid, a sermoun preached on Galat. v. 1, at a synodall assemblie in Edinburgh by him, as Moderator of the preceeding synod, wherin he taxed the avarice and ambitioun of some of the ministrie claming to higher places in kirk and commoun weale than Christ had appointed. The fourth, his publict oppositioun in preaching at Leith, first to the Archbishop of St Andrewes, Glaidstains, and after to the Archbishop of Glasgow, Spotswod, now St Andrewes, who came to Leith accompanied with five or six other bishops, of purpose, as it seemed, to sing the triumphe upon the good caus, and the faithfull ministers which were banished for the same. He layed the blame upon them, as authors both of obscuring the one and slandering the others, and that for their owne particular and worldlie respects. The fyft motive was this: Immediatelie after the conventioun holdin at Linlithquo, the Moderator, Mr James Nicolsone, and some other commissioners joynned with him, urged the Presbyterie of Edinburgh with acceptatioun of the constant moderator, wherunto he opposed, both in the reasouning and voting.

Upon these motives, the bishops conceaved exceeding great hatred and malice against him, and, therefore, sought a querrell and meane to be avenged, but under some other colour and pretence, least they sould seeme to respect their owne particular. At lenth, they lighted upon that sermoun which he preached in Edinburgh at the synod, which was putt out in print at Londoun, without his knowledge at that tyme; nather understood he till a long tyme after how it came to the presse. It was first putt in King James his hand by Bancroft, Bishop of Londoun, who, by a sud-

dane searche among the printers, found it at one of the presses. The king read it, noted some passages in it, and was highlie incensed becaus it made for the ancient liberteis of the Kirk of Scotland, and against the intrusioun of bishops. He sent it home to Secretar Elphinstoun, and charged him straitlie to examine the said Mr Johne upon these heeds: If that sermoun was his; what copeis he had givin out of it; and if he did putt it to the presse? The secretar sent for him, desired him to confesse his offence, and to leave that course; promising him preferment. Mr Johne answered, "God make me faithfull in that glorious office to which I was called." He acknowledged the sermoun to be his; confessed he had givin one copie of it to a freind, who importuned him to write it after he had preached it; and that it was printed without his knowledge; but as for anie errour in it, he would acknowledge none. The secretar wrote to the king verie favourablie for him, and the king was content to lett the mater rest. When this came to the knowledge of the bishops, Gladestains Bishop of St Andrewes and Law Bishop of Orkney, went to the secretar, and would needs have the sermoun from him. Then they assembled their brethrein, assayed their witts, and drew out some articles by way of consequence out of some passages of it, as chopping upon the king's civill authoritie. But the true caus of their greefe and displeasure was, the plaine discoverie of their ambitious and avaritious humors, wherof they seemed to take no notice in their articles. These articles they presented to the counsell, and will have the counsell to conveene him before them, and lay the contempt of the civill authoritie to his charge; or as others report, [they] sent to the king, and procured that he might be cited before the counsell. So, upon Thursday the 25th of Februar, he was summouned to compeere.

The articles presented to the counsell were these following:—

"The author of the sermoun, page 28, speeking of abusing Christian libertie, bringeth for exemple, a law or injunctioun for the use of the surplice in divine service, the ring in mariage, etc., which is an expresse taxing of the canons of the Kirk of England

made anent these ceremoneis, and the king's Majestie's ratificatioun therof."

"Page 33. He sayeth, that the creeping in of the antichristian yoke had, for the first step, that which is little different from our new moderators; and so, condemneth the act of Linlithquo ratified by his Majestie."

"Page 44. 'The king, counsell, and nobilitie, and all, having sworne by the name of God to defend the discipline of the kirk all the dayes of their lyfe, under the paines conteaned in the law, and danger both of soule and bodie in the day of God's fearefull judgement:' and page 52, he sayeth, 'paritie, in power and authoritie, is the ordinance of God.' This is a laying of perjurie to his Majestie and counsell, seing his Majestie condemnes paritie, and preasseth the abolition therof in our kirk."

"Page 48, he sayeth, 'We in Scotland ar beating doun Christ, putting him in bonds, covering his face, and purpose to burie him, with the Jewes.' This striketh upon the king's authoritie, that he sould suffer Christ to be so intreated in his kingdom."

Heere the reader may see how malice maketh them to bewray their owne corrupt intentioun. They denyed flattlie, that they were seeking superioritie over their brethrein, or overthrowing paritie, or that in anie cace they allowed English ceremoneis; yitt will they bring the author of the sermoun in trouble for the same points, howbeit indirectlie, under colour of impeaching the king's authoritie. Before I proceed, I will sett doun the passages out of which they drew their articles, together with some others more nipping, which they past by, as they are extant in the printed sermoun.

"Page 24. Therefore, that is not a good argument: 'This or that (as the estat of bishops humane, or suche other) is not against the Word; there is nothing in the Word against it, therefore, it is lawfull. Suppose it were so, that it were not against the Word, yitt it will not follow, if it be among the substantiall points, as concerning anie office-bearer his office, authoritie, or suche like, which are perfytelie and expresslie sett doun in the Word; but

rather by the contrarie, it will follow by a sure consequence. It is not with the Word; the Word is not with it, therefore, it is not lawfull. Otherwise, this libertie is turned to loosenesse. For the secund, the limits of the points substantialll and ceremoniall, is likewise by the Word, but generallie; bounding all and everie one of them in their use, with the foresaid three limits, order, comelinesse, and edificatioun. Where ceremoneis are placed in a church, having all these three joynned with them in peace and wisdome, lett them be reteanned without superstitioun. Where ceremoneis are placed in a church, breaking their bounds, bringing in with them,—for order, confusioun; for decencie, uncomelie and ungrave disguising; for edificatioun, offence of the weake in faith, (of whom there hath beene ever, and will be a number in the Church of Christ in allages,)and confirming of others in their superstitiouns,—lett them without contentioun, in wisdome and authoritie be removed, otherwise this libertie is turned into loosenesse. Therefore, this is not a good argument. All ceremoneis are in themselves indifferent, therefore, they may be reteaned or removed, placed or displaced, according to our pleasure. It followeth not, becaus there is a difference betuixt the indifferencie of the thing indifferent in itself, and the indifferencie of the use therof, the thing indifferent in itself and its owne nature, (being nather inclynning to good nor evill,) is, and abideth alwayes indifferent, (the Christian libertie therof being in the conscience, as a benefite cheefelie perteaning thereto,) the authoritie of man, yea, of angells, is not able to alter or change the nature therof, by turning indifferencie into necessitie; for this is onlie proper to God, to change the qualitie of things by the power of his precept. But the use of the thing indifferent is, and abideth not alwayes, and at all tymes indifferent in respect of the accidents that accompanie the same: sometimes offence, uncomelinesse, disorder following theron, which taketh away the indifferencie of the use; binding and restraining the externall worke, that it be not done; albeit nothing tuiching the internall libertie of the conscience, which is ever free; otherwise the abuse of the thing indifferent cometh in of necessitie, craving

reformatioun therof. Some tymes again, the lawfull authoritie of men in a discreit commandement or precept of Christian charitie, accompanieth the same, injoyning the use of the thing indifferent, and so, obliging and binding the externall worke to be done, (although not the internall libertie and conscience,) and that not absolutelie, but in cace of scandall; otherwise, the worke without sinne may be omitted. If yee will say, 'The lawgiver, by his superiour power concerning the externall use of the thing indifferent, will remove the offence following therin, it will not, but farther aggravat, becaus thereby the externall worke appeareth to be bound to the offensive use of the thing indifferent, which before was free. If yee will aske, whether the superiour power may not by precept injoyne the use of things indifferent, I answere, yea, and with these conditiouns: 1. That it be without the opinioun of merit, and necessarie divine worship. 2. That it be without the offence of the weake, or anie of God's childrein whatsoever, and the strenthening of the superstitious in their blind errours. 3. That it be not imposed with the claus of perpetuitie, as though it were a thing necessarie; but that it be left alterable, according as the circumstance of tyme, place, and person sall require. 4. That it be not urged under the punishment of necessitie. For exemple, if a law or injunctioun sould impose the use of the surplice in tyme of divine service, the ring in mariage, &c., under the paine of depositioun, this is to make the use of a thing indifferent, necessarie; for what other or greater sall be the punishment of fornicatioun, drunkennesse, &c., in the person of anie sprituall office-bearer? So then, of all this yee see, what a gratious libertie it is wherewith Christ hath made us free, and, therefore, how steadfastlie we sould stand in it; not with a loose and licentious heart, but with affectiouns fast sattled by faith theron, that we be not entangled again with the yoke of boundage.'"

"Page 30. To be once yoked and freed, and after freedom to be yoked again, is commounlie a remidilesse yoke: the last conditioun of that man is worse than the first."

"Page 33. For evill, in the beginning and first entrie, is ever

almost in a mysterie hid up. And this is the craft of Satan, who, when he has anie worke of weight to doe, can transforme himself and his instruments into angells of light. Dulefull experience in tymes past teacheth this, in the birth and grouth of Antichrist, the Man of Sinne, which the apostle calleth, 2 Thess. ii. 7, 'the mysterie of iniquitie which doeth alreadie worke.' Behold, the entrie and creeping in of this yoke was evill, even in the dayes of the apostle, the first degree and step wherof is little different from our new moderators. It was not verie sensible or apparaunt, upon which, whill this Man of Sinne stood, he appeared little higher than the rest, but stood equall with them upon the earth; yitt by progresse of tyme, sinceritie and humilitie passing away, covetousnesse and ambitioun prevailing, he did climme up step after step from this to bishop, from bishop to archbishop, from archbishop to patriarch, from patriarch to pope, till he come to the top of this his pinnacle, upon the which he stands now in his antichristian greatnesse."

"Page 41. I am perswaded, that we carie more credit, and are better accompted of in the hearts of these that feare the Lord, when we content ourselves within the compasse of our calling, with the styles of 'Mr George,' 'Mr Johne,' 'pastor of suche a place,' than when we borrow through ambitioun the titles of worldlie honour and digniteis, loving the style of 'my Lord Bishop' better than to be called a faithfull and diligent minister."

"Page 43. Now we know that the meanest society in the land will be laith to loose the least point of their civil liberteis, having both right to them, (and the same ratified by the acts of parliament,) and possessioun of them; yea, they will admitt no endeavoure or attempt that may prejudice a circumstance of them, muche lesse the substance. Sould we not then stand fast in this libertie to the which we have right from God registred in his Word, ratified by the lawes of the land, so long by us peaceablie possessed? To these liberteis all estats of the land, king, counsell, nobilitie, pastors, people, have sworne and subscribed. Sworne? Looke the Confessioun of Faith. Whereby? By the great name of the Lord our God. Wherto? To continue in obedience of the doctrine and

discipline of this reformed church, and to defend the same. How long? All the dayes of our lives. Under what paine? Under the paine conteaned in the law, and danger both of bodie and soule in the day of God's fearefull judgement. How have all sworne and subscribed? Not secreitlie, but solemnelie; again, not ignorantlie or rashlie, but sayeth the words, 'After long and due examinatioun being perswaded in conscience, through knowledge wrought by the Holie Spirit, and not moved for worldlie respects, in a through resolutioun willinglie, beleeving, confessing, subscribing, affirming before God and the whole world, that it is the onelie true religioun, pleasing God, and bringing salvatioun to man, and promising to mainteane it both in the doctrine and discipline.' So that if anie will alledge, that now they may alter, becaus they see the greater light; surelie it may weill be greater living thou seeth, but greater light thou canst not see to make thee alter. This is a strong reasoun to bind the loosest heart, and make steadfast the most wandering soule, unlesse in the sight of God, his angels, and the world, we would be manifestlie perjured, and make opin apostacie, to the high blaspheming of that Gospell of grace which we preache and professe."

"Page 46. Now, it may be, that some may be reasoning within themselves after this maner: What needeth all this adoe of this libertie, the keeping of it, and standing in it? wherin is it hurt, and by whom? I answere to the first, If yee will compare the estat of our church as it was within these few yeeres, with that which now is; the graces and faces of faithfull men zealous for the hous of God; their unitie and amitie, the order and comelinesse of their meetings, the concurrence to the Lord's worke which then was, with that which now we looke upon with our eyes; disorder, confusioun, and divisioun, your questioun will easilie be resolved. The tyme hath beene, when our church and liberteis have beene as a defenced citie or hous; but now, doores and windowes are partlie cast opin, partlie brokin up, and enemeis entered, so that the faithfull keepers will be forced ather to yeeld or to suffer. But to suffer is farre better. For if ather our liberteis through

craft be undermyned, or through rewarde be givin out of our hands, it is likelie the Lord will never honour us with them again. But if by violence they be throwne out of our hands, then possesse we a good conscience, and in our God's great mercie they sall be repossessed when he thinkes tyme. Was not the glorious libertie of doctrine and discipline exercised in this land, some tyme to it that which the arke of God was to Israell, the glorie and praise of it, which now is departing? and there is none like Phineas' wife to mourne for it. Was not Scotland, albeit the meanest among manie natiouns, yitt renowned through the world, becaus Christ in his Gospell of grace was so cleerelie borne out before our eyes in it? and as Bethlehem Ephrathah, albeit little among the thowsands of Judah, yitt renowned, becaus Jesus was borne in it? But now we are beating him doun, putting him in bands, covering his face, as though we were of purpose now to burie him again, with the Jewes. The Lord be mercifull unto us! I need not to insist in these things which are more than evident, wherof everie one of us talketh privilie, albeit we speeke not muche of them publictlie."

"Page 49. By whom are our liberteis hurt? As concerning our soverane, the king's Majestie, he promised at his departure out of this countrie, and protested as we heare, at that late meeting at Linlithquo by his commissioners, that it was no wise his intentioun to alter our governement, or to hurt our liberteis."

"Page 50. Weill, then, lett us searche out this hurt among our selves."

"Page 52. Some of us, not contented with our standing in the ministrie, have clome up to higher places, both in church and commoun wealth, than God has called us unto, through coveitousnesse, seeking the profits of this present and perishing life through ambitioun, affecting the preferments therof, and imparitie in power and authoritie above their brethrein; who, to winne to them preferment, have troubled the peace of Jerusalem, and hurt the liberteis therof. If anie will say, it is paritie among pastors in power and authoritie that is the mother of confusioun and the breaker of unitie, surelie this is an unjust slander of paritie. For first, it is

the ordinance of God, who is the author both of order and peace, 1 Cor. iv. 33. There was none of the apostles in authoritie above another, etc.; for they who keepe one ranke are in equall power. This practise hath the place of an ordinance. Yea, examine that place weill, Mat. xx. 25, 26, 27; and out of Christ's speeche to his disciples upon the occasioun of the sute of the sonnes of Zebedeus, by consequent yee sall draw out an ordinance. Secundlie, if anie suche thing fall out where paritie is, the fault is not to be layed upon the paritie of power, but upon the imparitie of spirits, which cannot satisfie themselves with the place and power that God has givin them. Thridlie, All these imputatiouns may be layed justlie upon imparitie, which is the mother of pride, that never can keepe unitie and peace. 'Onelie through pride doeth a man make contentioun,' sayeth Salomon, Prov. xiii. 10. And if anie will call to minde the tymes past when ever there hath beene anie trouble or stirre in our church, they sall find that the authors and instruments of it were ever some who, through covetousnesse and ambitioun, the two banes of the church, have sought to themselves a pre-eminence among brethrein whose deaths and epitaphes may be a terrour to these who tread in their footsteps."

"Page 55. Now, if we were charged upon life, and death, and conscience before the Lord, (according to the weakenesse of our witt,) to give a rule for the peace and quietnesse of our church, this it is: ather take away Demas and Diotrephes from office in the church, or take from them their evill humours of coveteousnesse and ambitioun; or take away their honours, the objects of great benefices and bishopricks; and then, if anie be found who sall trouble their heads to hatch out an argument for the defence of so offensive a state, and if then peace sall not be within the walls of Jerusalem, and prosperitie within the palaces therof, wé sall be content to beare the blame and burthein whatsoever.

"Again, if anie will say, that all this may be mended by this one meane, to make choice of the most wise, grave, godlie, and zealous of the ministrie, and promote them to these places, (which make greene and unsattled witts quicklie forgett themselves,) and so all

things sall goe weill, and be weill governed, surelie we will not be so uncharitable as to thinke that suche men (albeit they were lying at their feete) would stoupe doun to take them up, they being clogged with so manie inconveniences. Again, as Paul sayeth, 'Evill words corrupt good maners,' so we say, that evill courses will corrupt good men; for als long as a minister keepeth himself within the compasse of his calling, in humilitie and holinesse serving the Lord his God, he hath gratious and fruictfull blessing of his God attending on him and his labours. But how soone soever he breaketh the bounds therof, seeking the world and the profits and preferments therof, the fruictfull blessing departeth, and the feare-full curse cometh in the place therof to worke upon him; and then we sall see, that of all men of the earth suche a minister will become most vaine, worldlie, proud, and ambitious. And thus, of all this which hath beene spokin, we see that there is no preservative for us but to stand fast in that libertie wherin Christ hath made us free, that we be not entangled againe with the yoke of boundage."

Howbeit these and other like passages galled them, yitt would they seeme to be miscontent with nothing but that which tuiched the king's authoritie, to draw the said Mr Johne under the king's wrathe and indignatioun: and finding nothing that tuiched his authoritie, they drew out consequences as yee may see in the articles above writtin.

Mr Johne compeereth before the counsell. The king's advocat readeth the articles, and challengeth him upon them. He desired to see the sermoun out of which they were drawin, and to have both it and the articles with him, that he might conferre them, and advise upon an answere. The counsell granted, and appointed him to compeere the nixt counsell day, and to give in his answeres to the articles in writt. Mr Johne considering that to give particular answeres to everie article, was to acknowledge the counsell to be competent judge to his doctrine, he drew up a generall answere, which in effect was a declinatour, but had the forme of a supplicatioun, and presented it the nixt counsell day. The answere heere followeth:—

"*For answere, in all humilitie and reverence, to your Lordships.*

"The articles upon which I am challenged are not the words of my sermoun, but consequents drawin out of them, coming directlie against both the scope of the sermoun itself, aimed onlie, as is evident, at ourselves in the ministrie at that present conveened; as also, against the expresse words therof, the which, as page 49, are full of reverence and duetifulnesse towards his Majestie. Heerefore, I most humblie beseeke your Lordships, seing my challenge is not the expresse affirmatioun of my words, but the illatioun, that as there is no expresse mater or caus of accusatioun, but rather contrare, so there may be no expresse accusatioun; and that my words be not over sore wrung, nor my meaning wrested, but favourablie construed. Finallie, that your Lordships, according to your lovable custome, would leave the censure and judgement of the sermoun and points therof to my ordinarie, ather the presbyterie, or provinciall assemblie, in whose audience it was delivered."

Mr Johne was removed. Some of the counsell favoured Mr Johne, and accepted the answere as sufficient. But the biskops would have a particular answere in writt to everie particular article. Then he being called in again, Chanceller Setoun declared to him, that it was the counsell's will, that against the nixt day he sould give in his particular answeres. Mr Johne, before he sould be forced to expresse his resolutioun, assayed to hold off with peaceable answeres. 1. He replyed, that suppose the answere seemed generall, yitt being applyed to everie article in particular, would give satisfactioun. That answere not being accepted, he answered nixt, that these articles were but consequents throwed out of his sermoun, without anie good consequence: they were not expressed or confirmed in the same; therefore, he could not answere formallie, but by lightleing and rejecting of them. That answere likewise not being admitted, he answered, 3. That the sermoun would answere for itself, the places therof wherout of these articles were drawin being considered. The chanceller still urgeth him to give particular answeres in writt. He

answereth resolutelie, "My lord, I have givin my answere: I have my calling to attend upon."

The chanceller perceaving that he was resolved to give no other answere, commanded the clerk of the counsell to take up the sermoun, and reade the places out of which the articles were taikin. They saw cleerelie, there was nothing but wresting of his words. In end, the chanceller, to please the bishops, said to Mr Johne, "Sett doun the words of your owne sermoun in writt." He answered, "My lord, it is needlesse, seing they are alreadie extant in print." So he was removed the secund tyme. The cheefe of the counsell pleaded his caus at lenth against the bishops. When Bishop Glaidstanes saw that they had opened their packe, and sold no wares, in a great fume said to the chanceller, "My lord, looke to the answere that he has givin in writt; consider it, and it will be found to be a declinatour." The chanceller replyed tauntinglie, "Albeit yee be Lord of St Andrewes, yitt it seemeth yee have never beene in St Andrewes. He giveth in a supplicatioun, and yee call it a declinatour: that is no good logick." The bishop was putt to silence, and Mr Johne called in again, favourablie dismissed, and sent home to his charge. The bishops were mightilie incensed, finding themselves so farre dashed and disappointed; sent up a privie messinger to King James, with false informatiouns both against some counsellers and against Mr Johne.

The king sent a sharpe letter to the counsell, rebooking them sharplie for the favour granted to Mr Johne, and sent a warrant to the Captan of the Guarde to apprehend him, and committ him to waird. So, without convictioun for anie offence, and without anie new citatioun, onlie by the king's privat warrant, stirred up by the bishops, he was apprehended, and committed to waird in the Castell of Edinburgh, that he might be an exemple to others who sould oppose to the bishops. When he asked at some of the counsell, for what caus he was wairded?, they answered, it was against their will that he was wairded. So the king was so headstrong in this course, that some of the counsellers, namelie, the advocat, Mr Thomas Hammiltoun, furthered willinglie his intentioun for their

owne preferment: others, for feare, became executioners of his will against their owne hearts. Mr Johne was deteanned in the castell a whole yeere or thereby, till he was confynned in New-abbey, as we sall declare in the owne place.

MR C. FARHOLME SORE PUNISHED.

About the same tyme, Mr Charles Farholme, minister at Fraserburgh, a holie and learned man, one of the ministers who was confynned in the Hielands, for the Assemblie holdin at Aberdeene, in a letter sent to Mr Robert Bruce hath these words: "I have to this houre beene releeved by the confort of no creature, nather have I heere to whom I may goe. A thousand deaths hath my soule tasted of; but still, the mercie and truthe of the Lord hath succoured me. The Lord perfyte his owne worke in me." But little care had the king and his bishops to what straits they drave good men, so they might atteane to their purpose.

BISHOPS MEETE OFT AS COMMISSIONERS OF THE GENERALL ASSEMBLIE.

The Commissioners of the Generall Assemblie, the cheefe wherof were bishops, conveened the 17th of Februar, to hold their consultatiouns, and to advise upon directiouns to court, and from court. Their commissioun expired at the conventioun holdin at Linlithquo, if that was a Generall Assemblie, as they gave it furth. But they, under colour of that commissioun which was givin five yeeres before, keepe their meetings, hold their consultatiouns, and call ministers before them, beare down honest men of the ministrie, that they may atteane to spirituall jurisdictioun over their brethrein in the particular dioceis where they receave their benefices; and so, by vertue of an old pretended commissioun, made way to that episcopall jurisdictioun which they had beene long hunting for; and for the same caus, was the Generall Assemblie prorogued from tyme to tyme, that they might have tyme to worke by the power

of that pretended authoritie. They being conveened at this tyme, the elders of the kirk of Anstruther purposed to present to them a supplicatioun for their minister. But the bishops or commissioners being foreseene, caried their meeting so secreitlie, that few understood ather of the houre or place, to give in their supplicatioun. Mr James Law, Bishop of Orkney, said to a gentleman of the parish, If their minister, Mr James Melvill, or anie other in his cace, were willing to yeeld to the king in suche indifferent things wherin he craved satisfactioun, his owne letter would worke more for his releefe than their intercessioun; and if his resolutioun were yitt different, the king would accompt their writting in his favours but a scoffe. He alledged, the king had rebooked the Bishop of St Andrewes, for interceeding for Mr William Scot, and some others, contrare to that which was agreed upon. So they layed the whole burthein of honest men's trouble upon the king, as if they were cleane of all art, part, and counsell.

GLADESTAINS' ATTEMPT AGAINST MR J. JOHNSTOUN.

At the visitatioun of the universitie of St Andrewes, Mr Gladestains, bishop, would have had Mr Johne Johnstoun, one of the professors of Theologie, displaced, alledging he was unprofitable, pernicious, and his chamber a receptacle to all evill affected persons. But the universitie rejected the said motioun.

MR HOWIE CHALLENGED FOR CORRUPT DOCTRINE.

Mr Howie tooke the defence of the superioritie of bishops over presbytereis in the New Colledge. His auditors professed plainlie, they were rather confirmed in their former opiniouns, nor anie wheate moved. He was sharpelie censured by the Presbyterie of St Andrewes. Mr David Dagleish, then an expectant, now minister at Cowper, offered both in privat, and in face of the presbyterie, to dispute publictlie with him.

JOHNSTOUN SLAINE.

The Lord Maxwell being proclamed tratour, after the breaking out of waird of the Castell of Edinburgh, and therupon drivin to great straits, sent to the Laird of Johnstoun, craved a meeting, pretending he would now be heartilie reconciled with him, and not for the fashioun, as he was before at the king's pleasure, becaus he perceaved he did not trouble him now, being an outlaw, as he looked for. They meete at the place appointed upon the sixt of Aprile, Maxwell and one with him, Johnstoun and another with him; and Sir Robert Maxwell of Spots, neere cousin to the Lord Maxwell, and brother-in-law to the Laird of Johnstoun, who was imployed by Maxwell to draw on the tryst. They meete on horse-backe, and saluted other heartilie in outward shew, and went apart to conferre together. Whill Johnstoun and Maxwell is conferring apart, Maxwell's secund beganne to querrell Johnstoun's secund, shott a pistolett at him, wherupon he fell. Johnstoun hearing the shott, cryed, "Treasoun!" and ryding from Maxwell to the two gentlemen, to understand what the mater meant, Maxwell shooteth him behind the backe. So Johnstoun fell, and died of the shott. Soone after, proclamatioun was made by sound of trumpet at the Croce of Edinburgh, that none under paine of death transport or carie away the Lord Maxwell out of the countrie, in shipp or craer, seing the king and counsell was to take order with him, for the traterous murthering of the Laird of Johnstoun, and his other offences.

PREPARATIVES TO AN ASSEMBLIE.

The bishops used three meanes to effectuat their purpose in the nixt Generall Assemblie. 1. By modificatioun of ministers' stipends. 2. By visitatioun of presbytereis. 3. By pretext of a conference.

BISHOPS MODIFIE STIPENDS AT PLEASURE.

The modificatioun of ministers' stipends for this yeere was committed whollie to the bishops. By augmentatioun they allured, by diminutioun they weakenned and discouraged, a number of the ministrie; and that so closselie and covertlie, that one thing was pretended in publict, another alledged in secreit.

THE CRAFT AND VIOLENCE OF THE VISITERS.

The visiters appointed in the Assemblie holdin the yeere 1602, and for the most part preferred sensyne to bishopricks, intend a visitatioun of the bounds assigned to them respective. But their purpose was, to persue in everie presbyterie some articles sent from court, but devised first at home by themselves. They aimed cheefelie to gett fitt commissioners chosin by the presbytereis to the nixt Generall Assemblie. Their purpose was, to hold the Assemblie, if they found commissioners chosin to make for their purpose, otherwise not. Their craft was espyed, and their visitatioun therefore oppouned unto in some parts, as wanting sufficient warrant and authoritie. When the visitatioun was oppouned unto in their persons, they propouned to the presbyterie the choosing of commissioners to the Generall Assemblie. They terrified them with the king's anger for oppouning to their visitatioun, but assuring them, if the presbyterie would send suche men as were of peaceable dispositioun, and gracious with the king, the king would be content therewith, in place of visitatioun. And this was their cheefe aime: for nather the king nor they had anie great care of visitatioun; never were visiters authorized before, or assisted with the king's letters, to command acknowlegdement and obedience; for presbytereis ever reverenced visiters appointed by the Generall Assemblie, shewing their commissioun for warrant of the Assemblie. Alwise, by this craft on the one side, and terrours on the other side upon the bishops' part, and through the weaknesse and simplicitie

of some of the ministrie, they gott too great advantage in the choice of the men in some presbytereis, as in the Presbyterie of St Andrewes, where were chosin Mr David Monypennie, and Mr Robert Howie: in the Presbyterie of Cowper, where were chosin Mr Thomas Buchanan; and so furth in other presbytereis. In the meane tyme, the worthiest of the ministrie, by reasoun of their confynement or banishment, had no place ather to elect or to be elected, which was an exceptioun sufficient eneugh against the lawfulnesse and freedom of the Assemblie.

MR J. LAW HIS MINASSING LETTER TO THE PRESBYTERIE OF JEDBURGH.

Mr James Law, Bishop of Orkney, appointed by the Assemblie holdin at Halyrudhous, *anno* 1602, to visite Merce and Teviotdaill, sent this minassing letter following to the Presbyterie of Jedburgh:—

"Reverend and weill-beloved Brethrein,—I have sent to you the edict, to be published in your churches the Sabboth following, ather by interchange and preaching, one in another's kirk, which were most formall and agreeable to the ordinance of the Assemblie, or by anie other way your wisdoms sall agree to be more meete, and lesse trouble to yourselves. I have agreed to visite Melrose upon the 26th and 27th of this moneth, and Kelso upon the 28th and 29th; so it sall be verie meete for the course of my purpose and travell, to come unto you upon the last of this instant, and beginne your tryell the Moonday or Tuisday therafter, that is, in my reckoning, the secund or thrid of May. Yee will divide your kirks among yourselves, that some may passe the one, some the other day. Brethrein, I have givin unto you sufficient proofe, how carefull and willing I am to beginne and proceed with quietnesse, and to have and keepe peace with you, and the kirk there: and if yee will expect the event of my proceeding in that visitatioun, yee sall see, by God's grace, that my actiouns sall not charge my professioun with untruthe, and that I sall endeavoure to doe all things

with your advice and helpe, to the good of the kirk, and your contentment. But if yee will repyne and refuse tryell with suspicious jealouseis, or happilie upon pride, contempt, and conscience of guiltinesse, then I will attest your owne consciences, and God the searcher of hearts, that I sall be innocent of anie trouble and danger that sall come upon you; assuring you, that being authorized by the king his command, and commissioun of the Generall Assemblie, I will not stand to proceed *cum jure et potestate utriusque gladii. Sed deus meliora.* Trusting that reasoun, love of peace privat and publict, the exemple of your fellow presbytereis, and all duetie, sall move you, and expecting your answere in writt; I commend you to the directioun of the Holie Ghost, and the blessing of God in all your counsells and callings. Edinburgh, 9th Aprile.

"Your loving Brother,

"JAMES, Bishop of Orkney."

THE EDICT SENT BY MR JAMES LAW, PENNED BY HIMSELF.

"The commissioners appointed by his Majestie and the Generall Assemblie of the kirk for visiting the bounds and province of Merce and Teviotdaill, to their weilbeloved * * * executer heerof, send greeting. Forasmuche as the necessitie of the kirk craveth, and we by God's grace intend, to beginne with all diligence the visitatioun committed to us in the bounds of Merce and Teviotdaill, according to the charge we have receaved to take a particular tryell of everie one of the ministers of the kirks within the same, the estat of the congregatiouns and presbytereis, and to putt order, so farre as may be, to all enormiteis and misorders that sall be after tryell found to crave present correctioun: Our will is, that yee passe to the parish kirk of * * * and there openlie, before or after sermoun, in the presence of the congregatioun there assembled, command and charge Mr David Calderwod, minister, or if there be moe nor one, minister of the kirk of Crelling, the elders and deacouns of the said congregatioun, by themselves, or a certan of their number, having commissioun from them,

to compeere at Jedburgh the secund day of May nixtocum, in the place accustomed of the presbyterie, at ten houres before noone, to heare and see the said tryell and visitatioun begunne and proceeded in, according to the tenour of the commissioun granted in the said Generall Assemblie. And siclyke, that yee warne and charge all and sindrie persons, that have anie complaint against the said minister, or anie bearing charge in the kirk, to compeere the said day and place, and give in their complaints and greeves, that the same may be considered and taikin order with as apperteanes; and that yee certifie the said ministers and elders, that whether they compeere or not, we will proceed in the said visitatioun, according unto the power granted unto us; and against the absents, and suche as doe wilfullie withdraw themselves, we will use the censures of the kirk, as we are injoynned. And this our precept yee sall cause read openlie in the kirk, affixe a copie therof upon the most patent doore of the same, and returne the same indorsed and lawfullie executed by you, against the day foresaid.

"Subscribed by me, one of the visiters,

"Mr James Law,

"Commissioner of the Generall Assemblie."

Becaus none of the presbyterie assured him of their obedience before he came, he sent a messinger upon the presbyterie day immediatlie preceeding the tyme appointed for the visitatioun, with a charge, assuring in his letter everie one that will not compeere upon Moonday and Tuisday nixt, about ten houres, with the edict served and indorsed, that he will caus putt them to the horne: he will no more seeke *aquam e pumice*, nor will take in good worth to be contemned by them, and so ludified; praying them alwise in the name of God, *sectari quæ ad pacem et ad ædificationem*, and to follow their good exemple, meaning the presbyterie of Kelso and Melrose. When he came to Jedburgh, they called in questioun his pretended power, and some of them assured him they would declyne his visitatioun. At the intreatie of some

brethrein who were willing to yeeld to his visitatioun, he delayed the actioun till Thursday, the fyft of May. Mr Johne Abernethie, minister of Jedburgh, (now Bishop of Cathnesse,) joyned himself fainedlie with the declynners. All the tyme that they were in the presbyterie could he not gett the constant moderatorship, howbeit the presbyterie was charged by letters of horning to receave him. To make them beleeve he meaned no fraud in joyning with them, he told them how he dreamed, that when he was putt to the horne, he stobbed the bishop through with a rapper; farther, he made a burgesse of Jedburgh assigney to all his goods, preparing himself as he would seeme, to goe to the horne. He wrote a copie of the declinatour, which was penned by Mr David Calderwod with his owne hand. Yitt had he diverse meetings with the bishop even then, when he pretended oppositioun. The bishop, on the other side, was carefull to place him moderator, and to seclude the declyners from the Generall Assemblie; for George Johnstoun, minister of Ancrome, and Mr David Calderwod, were chosin commissioners to the Assemblie at the last synod. Therefore was the bishop obstinat in his rigorous proceedings against them.

Upon Thursday, the fyft of May, George Johnstoun, Mr David Calderwod, and Mr Johne Boyle, gave in their declinatour, and tooke instruments therupon in the hands of James Johnstoun, notar publict, in presence of some of the magistrats and counsell of the toun. When they gave in their declinatour, Mr Johne Abernethie, to excuse himself for deserting of them, said, that he and his brother, Mr Thomas, had beene rubbing the mater, and they could find no scruple in it. The first day, Mr Thomas bragged that he would goe to the horne, and said he feared that none would goe to the horne with him. But now, at the perswasioun of Mr Johne his brother, he was gone home to Hawick. Farther, Mr Johne, least the honest men of Jedburgh sould take him for a cousiner, for the shew he made of oppositioun, he protested in the presence of the presbyterie and the honest men to this sense:— "Notwithstanding I submitt myself to the tryell of this visitatioun, God lett me never see his face, if I hate not the course and

governement of bishops, and sall resist it, als farre as lyeth in me, all the dayes of my life."

THE TENOUR OF THE DECLINATOUR FOLLOWETH:

"So it is, beloved brother, that we have receaved a premonitioun, and therafter a charge, under paine of horning, to serve an edict sent unto us against the secund and thrid day of May, and to be subject to the tryell of the commissioners appointed by the Generall Assemblie holdin at Halyrudhous, 1602; and we did serve the samine, expecting commissioners clothed with lawfull authoritie. But when we did compeere upon the appointed dayes, and did crave these things which are necessarilie required in a delegat judge, we could not see a sufficient qualificatioun, in respect of these defects following:—

"1. The want of a fellow-visiter, according to the prescript of the commissioun presented to us, he not being sicke; and the excuses of your collegue's absence, showed by you to us, out of his owne letter directed to you, and dated the seventh day of Marche last bypast, was the ministratioun of the Lord's Supper, which presentlie he had in hand, and his unwillingnesse for the present to be from his owne dwelling-place. Which excuses now, after the space of seven weekes, are both insufficient and uncertane; and therefore we requeisted you most earnestlie to superseede the executioun of this your commissioun for a short space, that both yee and we might have laboured to have caused him come conjunct with you; by reasoun it is a thing verie odious and ambitious in the nature of the thing itself, that the whole power of a Nationall Assemblie sould be devolved over upon the backe of onlie one ordinar pastour, that he sould not onlie by his power cognosce, but also defyne and execute, in suche a universitie of causes through a whole province; for in suche maters, the expressed cace of sickenesse cannot be extended to the not expressed; *nam odia sunt restringenda*, and all delegat jurisdictioun is *stricta juris*.

"Nixt, the office itself is expired, since by vertue of your com-

missioun, and continuall custome of the kirk, it sould have lasted onlie to the nixt ensuing Assemblie; and yee yourself with the rest held up your hands in opin Assemblie, promising faithfullie to put it in executioun before the same; and it is most evident, that a long tyme therafter, by the space of foure or five yeeres fell out that Assemblie holdin at Linlithquo, at the which, as said is, your office did expire, and from the which yee have nather prorogatioun nor continuatioun to shew unto us, when we craved the same. And whereas it is alledged by you, that that Assemblie did not discharge your said office, and consequentlie did tolerat the same, surelie yee remaine still comptable, we confesse, but the vigour and power of your office did at that tyme expire.

"Lastlie, yee yourself know, that through your owne default, the halfe of the presbyterie was absent, and no parochinars compeared, except of one congregatioun or two; so ye could not proceed, according to the tenour of your commissioun, to the tryell. Upon the which considerationns moving our consciences, and not of contempt, malice, or feare of anie guiltinesse, we protest before God, we are forced to declyne, and doe by these presents declyne, from your pretended judgement, as incompetent; readie to abide the tryell of a lawfull Assemblie: both humblie beseeking you, and in the name of God charging you not to draw the prince's sword against us, but to lett this our declinatour have the owne places. *Nemo enim rebellis est, qui petit quod de jure permittitur.*

"And of this our present declinatour we require acts and instruments, etc.

"GEORGE JOHNSTOUN, Minister at Ancrome.

"Mr DAVID CALDERWOD, Minister at Crelling.

"I, Mr JOHNE BOYLE, with my hand, led by the notar underwrittin, at the penne, becaus I could not write myself.

"*Ita est*, ROBERTUS BOYLE, notarius publicus, requisitus, testando meis signo et subscriptione manualibus."

After that the declyners went furth, the bishop dispatched his visitatioun in the space of two houres, and procured the choice of suche commissioners as pleased him to the nixt Assemblie, and Mr Johne Abernethie to be accepted constant moderator of the presbyterie. Yitt Mr Law, the visiter, was not content till the declynners were putt to the horne that same verie night. Their horning was registrated upon the principall letters the day following. The registratioun in the shirreff bookes was stayed, but not without great intreatie and certificatioun that it behoved him to informe his Majestie. They tooke this onlie for a boast; but they informed the king indeid; and therupon was sent doun a directioun to the counsell to punishe them exemplarlie. After some solistatioun of some noblemen, speciallie of the Erle of Lothian, who dealt earnestlie with the chanceller and with the Erle of Dunbar, at the instant sute of the said Mr David, their punishment turned into a confynement within their owne parishes, after they had passed from their declinatour; but with provisioun, that the mater sould be *res integra;* that is, incace he urged their tryell *de novo*, they sould be free to declyne againe. The declynners could have no accesse to the nixt Assemblie, by reasoun of their confynement, to give in their complaint, and the reasouns of their declinatour, which they had in readinesse, as followeth:—

"REASONS WHEREFORE THE BRETHREIN OF THE PRESBYTERIE OF JEDBURGH DECLYNNED THE JUDGEMENT OF MR JAMES LAW, PRETENDED VISITER.

"1. The act made in the Generall Assemblie at Halyrudhous, *in anno* 1602, concerning visitatioun of provinces, conteaned a blanke, for inserting the tenour of the edict which sould be served at the parish kirks; the which edict sould have beene conceaved by three brethrein deputed by the Generall Assemblie. But these three brethrein never yitt mett for that purpose, and so the blanke was never filled up. How can then the act be putt in executioun, wanting the edict, a principall part, even to this houre? We served

the edict sent unto us, expecting a lawfull commissioun, which we as yitt had not discussed; for *satis est delegato asserere se esse delegatum, si non sit vilis persona*, to caus anie compeere, if the compeerance may be *cum levissimo prejudicio*. But when we compeered, we saw the imperious edict to be forged, and none in the commissioun itself, where there was nothing but a blanke.

"2. The said visiter would judge by himself alone, and that without Johne Clappertoun as collegue, whom his Majestie had designed in his letter sent unto him. Nixt, without the presbyterie, professing plainlie that he would not follow the most part of the votes of the presbyterie, when it came to the censure of anie particular member therof. If he have offered greater courtesie unto others, it appeareth evidentlie he has come unto us *cum cupiditate nocendi*, without his collegue deputed by the Generall Assemblie, without whom he has no power to visite, except his collegue were sicke; and sickenesse was not alledged. Nather thinke we that the cace of sickenesse expressed in the act can be extended to caces not expressed, by reasoun that all delegat jurisdictioun is *stricti juris*, and in odious maters, *odia sunt restringenda;* for sure we are that it is not agreeable to God's Word, that the whole power of a Nationall Assemblie sould be devolved over upon the backe of one simple presbyter, by which he has not onlie cognitioun, but also definitioun and executioun in an universitie of causes over a whole province of ministers: we would, notwithstanding, have tolerated these absurditeis, so farre dissonant from the Word, if the Generall Assemblie had appointed him alone. We see then in itself it is *res plena odii et ambitionis*, and, therefore, the cace of sickenesse sould not be extended. But howbeit, the cace of sickenesse expressed in the act might be extended to an equivalent not expressed, yitt his collegue's letter, dated the 7th of Marche, conteaned no suche lett; for it must be a long lasting sickenesse and infirmitie which would, by all likeliehood, impede the executioun of the office before the nixt ensuing Assemblie, that must be the rule and measure of the equivalent impediment. For the visitour to say to his fellow visitour, when he has a disease that

may shortlie cease, that he will goe visite without him, were but to ludifie the act of the Assemblie. Ministratioun of the Lord's Supper, catechizing of the people, unwillingnesse to wander about, mentiouned in his collegue's letter as impediments the 7th day of Marche, are not an impediment equivalent to long lasting sickenesse; nor yitt had we anie warrant of impediment the secund day of May, which was the tyme of visitatioun. As for confyning, howbeit it were alledged and proved, yitt were it not equivalent to the long lasting infirmitie. But the truthe is, confyning was not so muche as alledged in our presence, farre lesse proved; yea, the contrarie evidentlie collected out of his collegue's letter. This muche for the secund reasoun taikin from his singular and sole judgement, without the collegue appointed by his Majestie, and without the collegue appointed by the Generall Assemblie, as also, without the conjunct judgement of the presbyterie.

"3. We say that the office itself is expired, howbeit it might have beene putt in executioun; since by vertue of his commissioun, and continuall custome of the kirk, it sould have endured onlie to the nixt ensuing Assemblie: and he himselfe, with the rest of the visiters, held up his hand, publictlie promising to putt it in executioun before the nixt Assemblie. Now, it is most evident, that five yeeres therafter fell out that meeting holdin last at Linlithquo, which he himself avoweth a Generall Assemblie; yitt he could not lett us see an act of prorogatioun from the same, howbeit we craved it; and the not executioun of his office before that tyme, maketh him not to continue in the office, but be culpable of negligence for the space of five yeeres, *Nam nemo debet lucrari ex sua negligentia.* The discharge not expressed makes him onlie to rest comptable, but the power and vigour of the office itself did at the sett tyme expire. A moderator, or anie suche like office man, howbeit the sett tyme be runne out, continueth till another moderator be designed; becaus it is a constant office, and there must be *interrupta series* of moderators succeeding to moderators. But the office of visitatioun is *pro re nata*, arbitrarie, as the Assemblie thinks good to send out visiters, or not to send. The tyme then being sett doun by the Assemblie,

the office doeth expire at the sett tyme and day. And on the other side, to reasoun *dilemmaticé*, if the Assemblie holdin at Linlithquo be accompted a lawfull Assemblie, therat his office of visitatioun ceasseth, unlesse it was renewed by the same of new again. And if that of Linlithquo be not esteemed an Assemblie, yitt the day appointed for the last Generall Assemblie comming, his office of visitatioun ceasseth, or at least by prorogatiouns; as the Assemblie runneth in non-entrie, so doeth his visitatioun.

"4. Since that act made at Halyrudhous, there is a new emergent reasoun to refuse him. For if a delegat suspected may be refused, have we not just caus to refuse him, become a bishop since that act? for the schisme is so great at this tyme betuixt bishops and the better sort, that everie one reputeth other adversars. Could we then, without hazard, underly the judgement of our adversars claming the power of a deputie of a Generall Assemblie, that meant nothing lesse than to arme an adversar with her power against her owne childrein?

"5. Lastlie, Had we not just caus to declyne him who spake with the voice of Antichrist, the Bishop of Orkney, speeking like the Bishop of Rome, saying in his letter sent unto us, that he would not stand to proceed against us *cum jure et potestate utriusque gladii?* Bonifacius, the eighth Pope of Rome, of whom it was said, *intravit ut vulpes, regnavit ut leo, mortuus ut canis*, at the great jubilee which he instituted *in anno* 1013, and celebrated, satt the one day with the pontificall rob and keyes, and the nixt day with the imperiall sword, crying, '*Ecce duo gladii hic!*' One who hath commissioun from the kirk ought not to imploy the secular sword, but the judge who sent him out, finding the person disobedient, sould take order therewith. *Delegatus enim judex non habet jurisdictionem naturalem, sed ex alieno beneficio.* We cannot be compted rebells who, according to forme and order, declyne; *Nemo enim rebellis est qui petit quod de jure permittitur.* And how can the secular magistrat know *utrum bene vel male declinatum*, before the Generall Assemblie judge our declinatour? And how sall we have *personam standi in judicio*, when the Assemblie sall hold that we

may seeke remedie against this pretended visitatioun, if we be witholdin with registratioun at the horne, or anie like impediment; for by that meane all outgate is stopped to us for ever, howbeit we be innocent? But this our visiter cometh neerer his owne words; for *non tantam ad ejus nutam, sed etiam motam*, is the prince's sword weilded against us. In his owne persoun, he had commissioun to putt the brethrein to the horne; and accordinglie wairded expences, directed officers to denounce and registrat upon the principall letters intending farther. Having two swords, he choosed the temporall, and exercised the force therof, imitating Pope Julius III., who did cast St Peter's keyes into the Tyber, and take unto him the sword of Paul. He will not punishe us himself ecclesiasticallie, but will delate us to the magistrat to be more sharplie handled, saying, he would washe his hands of anie harme to be done unto us. So Pilat was guiltie of Christ's death, notwithstanding he did washe his hands, and said he was innocent. "*Jam plectendi sumus non ad ejus motam, sed etiam nutum.*"

The third meane of preparatioun for a Generall Assemblie was a conference which was to be holdin at Falkland the 15th of June. Mr James Law reported to Mr William Scot, Mr Johne Carmichael, Mr William Watsone, that he and the rest of the commissioners of the Generall Assemblie, speciallie the bishops, had moved his Majestie to grant a conference, to the end the Assemblie may beginne and proceed the more orderlie; and to that effect, his Majestie subscribed a release from their confynement to the 20th day of June. There was a reproachefull claus in the licence, viz., that they were unworthie of anie suche favour; that their presence was not necessar; that in hope of resipiscence, licence was granted to them to be present at that conference. Mr Law excused the mater the best he could, and so they yeelded. The bishops tooke occasioun of appointing the conference, by a challenge or offer of disputatioun made by some zealous and learned ministers resident in the west end of Fife. The tenour of the offer followeth:—

THE MINISTERS' OFFER OF DISPUTATIOUN.

"We, the ministers of Jesus Christ, defenders and favourers of the discipline of the Kirk of Scotland, professe and declare, that the said discipline and governement, as it is appointed by the kirk, ratified in Parliament, commanded by authoritie, subscribed and sworne by the pastors and professors of the kirk within this kingdom, and accordinglie receaved and practised these fiftie yeeres within the same, is most agreeable to the Word of God, and most convenient to continue and stand with the civill governement of this kingdom. And for defence heerof in the feare of God, Christian modestie, and brotherlie love, offer to our brethrein, commissioners, voters in Parliament, by evidence of reasoun and warrants of Scripture, to mainteane and defend the same, against whatsoever they can object in the contrare. And for this effect, earnestlie desire a free conference to be appointed and keeped, under the conditiouns following:—

"1. That the defenders of the said discipline may have a publict warrant and protectioun from his Majestie and counsell for performance of that conference.

"2. That they may have a free choice of the persons to whom they sall committ the maintenance of their caus in the said conference.

"3. That the partie opponent sett doun in short and cleere articles, the points wherin they dissent from us in the said discipline, and deliver the same in writt to the said presbytereis a reasonable tyme before the first day of the conference.

"4. That (for remembrance, eshewing of confusiouns, ydle discourses, mistaikings, calumneis, and cavills that may fall out on either side) all questiouns, arguments, answeres, replyes, and conclusiouns that sall be treatted in the said conference, may passe by writt, and be subscribed by both opponents and defenders.

"5. That it sall be leasome to them that are chosin to reasoun for the parteis, to take counsell and advise of anie of their brethrein, in anie perplexitie, or particular occurrent difficultie.

"6. That whatsoever sall be treatted and agreed upon in that conference, to be delivered to the presbytereis; and after they have advised the same, to the provincialls, and then to the Generall, one or moe, there to be fullie treatted, and finallie concluded."

THE GREAT CONSIDERATIONS AND JUST REASONS MOVING THE DEFENDERS TO MAKE THIS OFFER TO THEIR BRETHREIN FORESAID ARE THESE:—

"1. Becaus they are certanelie informed, that some of their opposite brethrein have not obscurelie professed to honourable professors of all estats, that howsoever they have beene of one judgement and practise with us in tyme bypast, now, by a cleere light which has shynned unto them in their late studeis, they have found out their former errours, and are perswaded, that the episcopall governement and jurisdictioun over their brethrein, which has beene, and is condemned as unlawfull by the Kirk of Scotland, is the ordinance of God; which, if they can cleerelie demonstrat by prooffe of Scripture in this desired conference, they sinne against God, their owne soules, and the salvatioun of their brethrein, unlesse they communicat their light with them, that they might walk in it. Otherwise, it were against all honestie and conscience to them, to depart from the present discipline, wherunto they are bound by the great oath of the Lord, the reasons wherof they are not ashamed to avow and professe before the world.

"2. In the heate of these contentiouns, the hearts, tongues, and pennes of Jerusalem's watchemen, are turned from the enemeis of the truthe, and like rasours, sharpenned and sett ilk one against another, and nather ordinarie and free ecclesiasticall meeting, nor wise men to be found amongst us, to putt us in remembrance that we are brethreiñ, the salt of the earth, and light of the world; but over manie of all sorts, to adde fresh fewell to the flamming fire of our distractiouns, whereby we and our professioun are hurt, to the great joy and encouragement of our enemeis: which evills, and others that may fall out in cace of continuance, by the mercie of

God, in this conference may possiblie be prevented and remedied.

"3. Faithfull and unblamable ministers are partlie pressed doun by the burthein of so manie great reproaches, as if they onlie were the troublers of Israell, and traduced' to hold and mainteane anabaptisticall opiniouns; and partlie have their persouns wairded, and their livings restrained, against whom no occasioun can be found, except concerning the caus of discipline, and governement of the kirk. And it were ridiculous, if the ministers of God in suche caces sould, like barnes, lay their hands upon their hurt place, and cry, 'Alace!' and in the meane tyme ceasse to seeke the lawfull remedie.

"4. It becomes no wise the ministeriall calling to keepe secreit the truthe wherof they are perswaded; and when their professioun, or anie part therof, is brought under suspicioun, or impugned by a cowardlie kinde of silence, to betray the caus, which they beleeve sall stand good in the day of the Lord Jesus.

"5. The orders and proceedings of our kirk are taxed and carped within and without the countrie, by unfreinds and enemeis to the governement therof; and by the present distractiouns we are so keeped at under, that nather have we occasioun, nor safelie darre we answere, calumniators and oppositiouns.

"Protesting, that if the said commissioners and voters in Parliament, now commounlie called bishops, sall happin to refuse this modest offer, and most reasonable conditiouns therof, notwithstanding of the important reasouns propouned heerin by the said ministers, defenders of the discipline and governement of the Kirk of Scotland, that in that cace, the said discipline and governement be reputed and holdin godlie, wise, and peaceable, and stand unquerrelled whill they be lawfullie and orderlie heard; and that their brethrein according to their credit use the same, as they will answere to God and his kirk, for restoring of the ministers to their liberteis and livings; to the effect that all in a brotherlie concord may serve God, honour the king, and with a pastorall care and endeavoure procure the weale of Christ's kirk within this realme."

MR J. MELVILL'S LETTERS TO THE CONFERENCE.

Mr James Melvill mislyked this challenge, as may be seene by this letter following, directed, as appeareth, to Mr Johne Dykes:—

"*Kalend. Junii.*

"MI FILI,—Your letters, for informatioun, full of love sweete, and zeale fervent, have refreshed me verie muche, and the more becaus I was thristie. As for the challenge for a disputatioun, I like it nather cumming on your part nor theirs, if it could be eshewed, for the reasons following:—

"1. They challenge the dispute as seeking the vantage, being out of possessioun; and have not the right publictlie declared and approved, which we have, and are seeking fast to undoe ours; and, therefore, move disputatioun wherin they meane to be sett in the brunt of the battell against the Ammonites, English doctors, that reteiring and yeelding, Uriah may be slaine. So did the Lesleis with the good Regent, the Erle of Murrey, at the feild of Correckie, and would have undone him, if he, with fewer than an hundreth of Fife gentlemen, had not receaved them on the points of speares. *Vide* Buchan:

"2. Disputatioun has never edified where true religioun was once planted, but, on the contrare, ever cast doun and destroyed; becaus it is moved by the enemie, breedeth contentioun *et studia partium*, which perverteth ingynes, blindeth the judgement, and maketh the will obstinat and refractorie, namelie, of them that are caried after errour. Exemples, the disputatioun in France, Germanie, Helvetia, and the whole contentiouns, councels of Arrians, Novatians, Donatists, where after suche disputatiouns, hereseis were concluded. Remember namelie the late disputatioun at Hampton Court, and of Monsieur de Plesse with the Bishop of Evreux.

"3. If disputatioun upon the discipline with bishops or English doctors, why not upon the doctrine with all the Papists, als fast

challenging as they, and thereby finding a good entrie, will preasse fordward? Both is the doctrine of Christ, and we have the like warrants of God and man for both.

"4. Lett them show reasouns why they preasse to alter the present discipline, and depart from us; and its reasouns, I say, suche as are weightie and relevant, that may justlie move us to doubt with them; otherwise to be esteemed as apostats at the least, αποστολης εις απωλειαν και μη πιστεως εις ψυχης.

"5. Their *juramentum de calumnia vel veritate* would be required, whether if Balaam like minded, honour and wealth offered be, etc., make them to seeke new consultatiouns, seeing God Jehovah has cleerelie manifested his will theranent, and they have professed, preached, sworne, and subscribed it; or rather, lett them be putt to the cognitioun of an assise of the just, godlie, honest, and wise of the land.

"6. If equall disputatioun, why is the Kirk of Scotland used like Samson by the Philistines, intised to sleepe on the knee of Dalilah, till the seven lockes of his haire, wherin lay his great strenth, are cutt off, and then wakenned with a shout, that the Philistines are upon him to combat? Lett Samson's lockes grow again, and then come on.

"7. If a disputatioun, there must be judge and partie who will be judge, but the prince or maniest votes of a Generall Assemblie dressed for the purpose. Who partie? If forainers, who called them to dispute against the established order of our kirk, more than against our kingdom and commoun weale? or who can suffer it, that is a Christian true Scotish man? or what have we to doe more with them now than these fiftie yeeres bypast? If some of our owne ministrie, if they be a true and right partie, against us they must be traterous, mansworne, apostats indeid, *quibus ραβδω excommunicationis potius quam disputationis διαλεγισμω opus est.*

"8. If disputatioun, then lett it be so manie yeeres, and in the same forme, that the discipline was concluded and established in Scotland, viz., by the space of six or seven yeeres, and never an article or conclusioun therof passed, *nisi ομοθυμαδον*, by the commoun

votes and uniforme consent of the whole Assemblie, *secundum regulam illam juris, 'Nihil magis naturale quam unum quodque solvi eodem modo quo fuit ligatum.'*

"9. If the mater must be decided by a plaine fight in sett battell, lett us make the challenge against the English bishops, and fight it in the middest of England, and not in Scotland; becaus that one has beene so throughlie subdued to Christ, that other, yitt never. So if we be victorious, Christ sall fullie there raigne also; if repulsed, it sall be easie to renew our feild with better encouragement: wheras an unreparable overthrow might be givin in Scotland, wheron suche a Romish revolt may ensue as never again can be repressed.

"10. Finallie, if disputatioun were sought and undertaikin *candide, bona fide, sincere, et veritatis solummodo indagandæ causa*, and in a word, simplie, for edificatioun, and not subtillie, for distractioun, then suche as doubted might in all love, and gentlenesse, and long-suffering, be travelled withall for their instructioun and resolutioun. But being done pretendlie, politicklie, yea, and deceatfullie, when as the conclusioun is alreadie layed and determined, and the meanes and middesses to atteane thereto painfullie devised, plotted, and dressed, it were a foolish and unadvised exponing of the caus to wracke, to yeeld to a dispute, albeit even in a Generall Assemblie, to lett be to challenge the same by anie sort of provocatioun. As for anie new law or constitutioun, if equitablie and orderlie they proceed, I am not affrayed therof: if subtillie, and by force of authoritie, the truthe is ever the stronger, and the caus the more advantaged; for, as ever before, so now, Christ by suffering sall prevaile, and be victorious.

"These reasouns, and others that of good consideratioun may arise therof, I would have the brethrein to expend."

When this advice was sent by Mr James Melvill, the bruite went, that some English doctors were to be sent to dispute, wherunto sindrie heeds of his advice have a reference. When he heard that the conference was appointed to be holdin the 15th of June, he sent this letter and advice following to the sincerest sort of the ministrie called to that conference, as followeth:—

" *The Spirit of grace, of wisdom, and upright judgement, be present with you at this tyme, and for ever.*

" Brethrein, having understood by the bearer of a conference indicted, and some little of the purpose therof, I have thought good to communicat with you my rude meditatiouns theranent, trusting yee will take them in good seasoun, albeit I know, farre inferiour to the greatnesse of the mater, and your cleere insight.

" Yee are not ignorant what has beene the event of diverse colloqueis and conferences in maters of religioun, leaving maters in worse estate, wherupon has followed alwayes greater disturbance, with greater inimitie and trouble, as witnesseth *Colloquium Passiacenum in Gallia, anno* 1561, wherin Beza and Martyr were colloquitors for our part. *Item, Colloquium Maulbroanense in Palatinu, anno* 1564, wherin Ursinus and Olenianus were colloquitors on our side against Jacobus Andreæ, and his complices. *Item, Colloquium Malpengardense, anno* 1586, *inter ministros Genevenses et Jacoban Andreæ*, and his complices; and latelie, we remember the event of *Colloquium Fontenense*, betuixt Monsieur du Plessis and the Bishop of Evreux. Siclyke the conference at Hamptoun Court, betuixt Doctor Reynolds and his fellowes, and the English bishops, wherupon followed the triumphe of Barlo. And if I remember aright, Gregorius Nazeanzene sayeth, '*Nunquam se vidisse bonum eventum ex conciliis durante schismate in ecclesia.*' The remembrance wherof, I doubt not, by the mercie of God, sall make you the more vigilant and circumspect in this like cace, especiallie this, proceeding from an higher power, *cujus finis est victoria plus quam veritas.*

" The end of this conference, I understand, be twofold; for Papistrie, and for disciplinarie controverseis. In my judgement, we must not looke so muche to the proponers of both, as to the cheefe and higher Disposer of all, who onelie is able out of darkenesse to bring light; which, as I am thinking what is the caus that for maters of Papistrie, they sould seeke your advice and assistance, they having in their hands the managing of all these maters of a long tyme, with power and authoritie, secluding you

sometimes, also crossing you in these effaires, I conjecture two ends; the one, *ad delendam ignominiam conventus Linlithquoensis*, wherin great things were proponned, nothing prosecuted. Secundlie, the mater being of greatest weight, careing with it hazard of hatred and evill will from the greatest force in this land, what reckes if you gett your burthein heerin also, as having no burthein on you alreadie? But I ceasse to searche the intentiouns whatsoever they be. I trust, in that part yee sall be found no Papists. As for the overtures against them, they are plaine and manifest to all, by proceedings of the former tymes onlie wanting executioun; which defect must be layed and urged upon bishops, who have the power in their hands. Amongst these overtures, I doubt not but yee remember cheefelie upon the commoun band and Confessioun, *anno* 1580, which yee know was a fundamentall ground layed against Papists. Lett this be now renewed, and cheefelie urged to be subscribed by all; which if it could passe through all, and by all, as it was first devised and commanded, yee know the good effect it might effectuat. The rest of the overtures, I doubt not, but will be readie at hand to you, the executioun wherof must be urged upon bishops and commissioners; and I would wishe that they were so furiouslie stirred up against the commoun enemeis, that they would beginne to relent in these civill warres. But it is to be feared, that, according to the skillfull art, like fencers, they mint at one, and strike at another part.

"As for the other anent maters of discipline, shortlie, I take up two things to be needfull in my judgement; the one for preparatioun, the other for actioun.

"1. For preparatioun. Lett that first be remembred, which never has beene forgottin in the first rowme in like caces, to witt, an humiliatioun and fasting to be urged in your conference with Bishop Law, that it being intimated to him, he may travell to make it publict and generall; which I know will not worke on their part, yitt sall it be needfull that yee discharge your conscience in so needfull a point to him. But lett it be urged on your part, in all presbytereis where it may be had publict; and where it

cannot be had publict, that it may be had privatlie amongst the faithfull, and favourers of discipline.

"2. Preparatioun. To give advisement to all presbytereis of the purpose, partlie to remove jealouseis that may arise; partlie craving their overtures, advice, and counsell, which may be done with signification of the fast.

"3. Preparatioun. Propositiouns to be propouned conteaning the grounds of the discipline of our kirk, and backed by Scripture, constitutiouns ecclesiasticall, perpetuall practice, etc. Which propositiouns ather may be extracted out of the Booke of Discipline, or then, according to the same grounds, cleered by new diligence, wherin standeth *præcipuum momentum causæ.*

"For the actioun itself, these things I thinke needfull:

"1. That yee have amongst yourselves your privat meetings, and a moderator privatlie to be chosin amongst yourselves, for concert, harmonie, and good order.

"2. The warrant of your meeting to be required and produced publictlie for your securitie, and the authentick copeis therof to be keeped for your warrant.

"3. Seing at publict meetings for the same caus, brethrein have beene snared, as latelie yee remember the event of the evocatioun and late conference of the brethrein at Londoun; and latelie at home by the exemples of Mr William Row and Mr Henrie Livingstoun; and the exemple of Mr Johne Murrey not unlike, preaching at a publict assemblie, and ratified by the same assemblie, and yitt doeth he suffer for it. For these causes, I thinke it were needfull yee sould crave securitie for yourselves in this part, that this conference breake not out upon a new querrelling and troubling you for your sincere meaning and free defence of the caus, as the exemples passing before. And this point is not lightlie to be past over, which I recommend to your consideratioun earnestlie.

"4. It were most needfull to urge that the conference be full and free; full, by recalling the cheefe members absent, which earnestlie and urgentlie is to be insisted upon, I meane of the absents; and if this cannot be obteaned, to urge the presence of Mr James

Melvill at Newcastell, the necessitie heerof to be delated. Siclyke, it is requisite that the persons be of free choice on your side in a free caus concerning all; for reasoun craveth, and daylie practise sheweth, that everie partie chooseth their owne colloquitors.

"5. No conference to be yeelded unto but by writt under the hands of two faithfull writters, for the which I thinke Mr Johne Kinneir and Mr Johne Row were the meetest. And this is the verie cheefe and principall mater to stand upon, that it being refused, I thinke the conference can worke no good effect. Exemples are recent.

"6. If it be granted, these things would seeme necessar: 1. Make *statum questionis* cleere, which ever has beene obscured and disguised in tymes bypast. 2. To agree upon grounds of reasoning, the cheefe ground to be the Word of God, the onelie ground condescended upon and receaved against Papists, together with the practise of the Christian, apostolicall, and primitive kirk. But this I need not to insist in. I feare it sall have no use at this tyme. But incace it come to anie actioun, verball or reall, one thing is most needfull, to witt, a protestatioun to be made, that nothing done, or to be done on your part, may prejudge the publict caus apperteaning to all, &c.

"Heére I rest, craving pardoun for my importunitie in writting, and for these rude deliniatiouns. The rest I remitt to the bearer, and recommend you and this whole mater to the blessing of the Lord Jesus, everlasting King, Governour, and Protector of his Kirk."

MR D. HUME'S LETTER TO MR JAMES LAW.

The bruite of a disputatioun, and the craftie and violent proceedings of some commissioners of the Generall Assemblie aspyring to bishopricks, or alreadie advanced, moved a worthie gentleman, no lesse zealous than learned, Mr David Hume of Godscroft, brother to the Laird of Wedderburne, to writt this letter following to Mr James Law, now styled Bishop of Orkney:—

"TO THE RIGHT HONOURABLE THE BISHOP OF ORKNEY, ONE OF HIS MAJESTIE'S PRIVIE COUNSELL:"—and within,

"*To my beloved Brother, Mr James Law, Preacher of the Evangell of Christ at Kirkliston.*"

"Right unfainedlie, loved brother in that onlie true love and fellowship that is in Christ, (unknowne otherwise and unconsiderable,) I protest in his presence to whom my onlie heart's desire, intentioun, and butt is, that I may approve myself in the inward of my conscience, and outward of my words and deeds, and all maner of conversatioun, with suche as carie his name, that out of the bowells of a true affectioun doe I give you both these styles. The one, that yee may see how farre I am from all superstitioun, and anie thing that may seeme ceremoniousnesse in the use of words, and how little invyous of whatsoever honour his Majestie thinkes good to bestow, or yourself thinkes may be accepted. The other, not to dissemble what in my judgement I esteeme the rightest use of words, what to be your greatest honour, and what still most beseeming the persons yee carie; otherwise, so farre from all contentioun anent things anie wise tolerable, for interteaning privat freindship, lett be of commoun peace, that I wote not if I even inclyne unto the extremitie. Therefore I have beene greeved, the rather, (and more and more greeveth it me,) if for triffles and maters indifferent, and of no importance, (which being indifferent might on either, and ought to be on both sides comported,) so great disturbance be comed in this church, so great distractioun of mynde; the one part troubling, the other troubled; the one part greeved, the other greeving; heart-burning or offence givin or taikin, reproaches by way of apologie or objectioun uttered, or throwne backe abundantlie, and what not, increassing and like to increasse, that may give mater of rejoicing to the commoun enemie, yea, opin the gate to his returne and peaceable repossessing, so easie, that (may I not say?) if Satan himself had made that

for his verie butt, he could not out of his craft, nor no instrument of his ever durst (out of the estat of things, and favour which is in this countrie yitt, praised be God, toward the present religioun) have taikin a more direct course, nor shorter and more compendious way; that whoso can thinke that he has not adoe with these maters, that they belong not to him, that he can be content to see them goe what ever way, that man can thinke also he has not adoe to be citicen in that citie, nor houshold man in the hous of God: that man can thinke, that the misorders, disturbance, yea overthrow of that hous, tuicheth not him; can be content that the enemie prevaile against it, and turne all things upside doun in it. Others must needs take things, have regarde in their mindes, in their thoughts, in their speeches, utter at occasioun and everie way (as farre as to everie one belongeth) doe, that may bring helpe to the turne, or resolution to themselves.

"Heerefore it was, that at our last meeting in Dunce, I uttered unto you (as little leasure served) some things of my opinioun; and sensyne, finding the sounds of our opinioun so farre different, have beene desirous to have had more conference. But not having leasure, nor knowing when nor how to have leasure concurring to us both, so muche as were requisite for that turne, I have, out of our old familiaritie, taikin boldnesse to communicat to you by this present freelie and freindlie, what I thinke on the one part; and crave of you your free and freindlie declaratioun of your judgement, and reasouns moving you on the other part, (if yee be indeid on the other part,) wherin I pray you assure yourself, I am farre from all intentioun, ather of tempting or contending, or what ever evill meaning; but a verie simple searche of the truthe in all modest and sober maner, as yee then desired, that ather I may be instructed this alteratioun in our kirk governement from the accustomed forme, to the office of prelaceis and superioriteis, appearandlie sought to be brought in the kirk, to be fittest, lawfull, and most expedient for the weale of the kirk of God heere, and so, may willinglie heare and see them brought in, which who would not willinglie doe? I meane, who would not willinglie see suche honour

and profite brought in the kirk, being in possibilitie to atteane therunto, ather themselves or some of theirs? What could stay a man that might in good conscience injoy them? I compt them mad, that would not from their hearts wishe and further them. Or ellis, yee may with me wishe, and als farre as lyeth in you procure, the continuance of the present governement, receaved without alteratioun, diminishing, or restraining therof, (if that be onelie lawfull to us, and most for the weale of the Word and religioun professed;) and give a fairweill to all these glances of honour and profite, if they cannot but with dishonour and unprofitablenesse to the religioun be possessed. For this effect, to come to the point without all ambiguitie, I have sett doun my judgement or my errour.

"First, The discipline receaved, confirmed by the acts of parliament, and which we sware in the king's Confessioun, universallie subscribed, may not now lawfullie be altered, in respect of the said oath.

"Secundlie, That howbeit the said oath, nor no act or other band did impede, but that it were in itself lawfull, otherwise indifferent and alterable, yitt were it not expedient to alter it; and being to greatest use, and most for the weale of the Kirk of Scotland, and religioun professed therin, of anie forme of discipline used in Europe beside, it eeking thereto the use alreadie receaved, not fitt (as things are) to be changed.

"Thridlie, The most part of all these ordinances appointed at Linlithquo, of Moderators of Presbytereis, Synods, and Generalls, are manifest oppugning and derogatioun of that discipline; and they no more to be admitted, nor the discipline to be subverted; no more, I say, lawfull, in respect of our oath, nor profitable in respect of the use; and muche lesse the office, as it is accepted in parliament, without anie limitatioun or restrictioun.

"Fourthlie, That the office of bishops, so usurped, is ather against, or by and beside the Word of God; and so unlawfull in the self.

"Fyftlie, Putting the cace that all were otherwise; that the

said office of bishops were lawfull, the moderators, siclyke the discipline lawfull to alter, and fittest to be altered, yitt your proceedings with them who are in the contrarie opinioun to be verie hard, and suche as I wait not, if they may susteane in a just tryell the name of lawfulnesse. Give me leave to call them your proceedings, (I meane, yours of the bishopricks,) since it is ather yourselves, or by your instigatioun, that things are compted done, since yee are the cheefe instruments in them; and what so seemeth to be done in his Majestie's name anie thing hardlier, it is onlie done for the advancing of your estats; and the hardnesse therof is interpreted yours, in this farre at least, that yee consent thereto; yee consent, I say, in so farre as yee doe not impeshe it to be done by minasses, by feare of losse of living and libertie, by votes and consents extorted by these feares, till suche tyme as there had beene some evidence to perswade the conscience freelie to allow of things, and gladelie to accept them, as best and most expedient; which I can hardlie thinke that anie would refuse, if it could be made cleere: and it is hard to compell a conscience even to that which is just, before it be perswaded that to be just; and that, therefore, if yee were perswaded, and your owne minde were never so through anent the foure former points, yitt were it conforme to wisdome, and better for your owne estat, to proceed in a calmer sort, without anie kinde of minasses or compulsators; at least, to assay first all kinde of demonstratioun to cleere things, and lovingnesse to winne.

"Sixtlie, I may say, as a Scotishman to you as a Scotishman, and, I trust, not without some regarde unto your native countrie, and to whom some charge of it is givin, these maters of alteratioun of discipline I take to be verie unprofitablie handled for this countrie of Scotland, more unprofitablie to be prosecuted, and most unprofitablie of all to be effectuated, as a verie step which can hardlie (at least in some of his Majestie's successours) but come to a pre-eminence of that other countrie beyond it, yea, a tyrannizing over it.

"Seventhlie, It is not unseeming that (as a subject of his Majestie weill affected) I signifie unto you, who has the honour and burthein

of being his counseller, and owe to his Majestie as a care of foreseing, so a regarde to weygh also what is best for him, I sould not dissemble with you this my flatt opinioun, that in all good policie, by anie divine or humane rules therof, the fittest, first, and best course for his Majestie's effaires, keeping them in a good frame solidelie within his dominiouns, and ever advancing his dominiouns, (if he list sett himself that way;) at least, to have greatest power and credite of understanding, doing, and framing effaires to his contentment out of his countrie, (if he would goe no farther,) were to frame the estat of the kirk governement in England to the forme of this countrie, even fullie in all points. Nixt to this, (but farre nixt, and farre inferiour,) were to reteane both in suche order and frame, as they have beene since they were sattled in religioun, as they were confirmed heere by acts of parliament, before these questiouns were moved, and as they there ballanced by the wisdom and moderatioun of their late queene, of worthie memorie. Which things if they be thus, (nather are they my singular opinioun, as I am sure yee know, but of all the truelie affected to religioun, and that take anie compt of religioun in this part of the yle, except particulars caried by particulars,) how farre we sould be from these alteratiouns or innovatiouns in the discipline. If they be not thus, I will not be ashamed to correct my judgement, nather sall yee need to trouble yourself with manie words. Paint the grounds bare as they are, without decking or rhetorick, we will soone ken if there be anie solidenesse in them.

"Yee see how plaine I am. I will looke for the like plainnesse, and will promise you sinceritie in anie cace, assuring you my meaning sall be onlie the weale of the kirk, and our native soile, with his Majestie's honour, and als ſuche contentment as to anie suche meane subject can perteane, and as duetie will crave, or possiblie can admitt; which if I would gladelie doe and procure, He knowes who knowes the hearts. Remitting you and all to him, and remaining as of old,

"Yours, ather favouring for good, or sorrowing for wrong courses; but in love,

"June 7, 1608. Mr David Hume of Godscroft."

MR J. MELVILL REFUSETH CONFERENCE WITH THE BISHOP OF GLASGOW.

Mr Johne Spotswod, Bishop of Glasgow, returned from court about the 12th of June, but visited not Mr James Melvill at Newcastell by the way. It is true, when he went up to court, he sent Mr Peter Hewat and Mr Robert Cornwall to him, to crave conference. Mr James refused, becaus he had left the right course, and followed the world; was seeking pre-eminence and advancement, with the overthrow of the caus which he once professed. They replyed, that agreement was best, in respect of the commoun enemie, the Papists, increassing in number and strenth. Mr James rejoynned, that the onlie way to take away discord was, that these who were called bishops, and their favourers, would returne again to the right course, for there was no discord in the Kirk of Scotland before their defectioun. As for Papists, it was no mervell to see them increasse and waxe bold, when as ministers turne to Poperie; for I have heard it often preached in the pulpits of Scotland, that Episcopacie was Poprie, and that it could not be mainteaned by other arguments, nor suche as proved the Pope's supremacie, and the hierarchie. He desired them to commend him to Mr Johne Spotswod, sometyme his schollar, and to pray him to weygh that sentence of Bernard, "*Christos duos habet individuos comites, humilitatem et paupertatem, quos cum hujus temporis episcopi penitus excludent, non sponsi amicos, sed hostes se profiteri.*"

THE CONFERENCE AT FALKLAND.

Upon the 15th day of June, the conference was holdin at Falkland. The bishops had their ends and respects different from the ministers; for it was in their power to appoint, hold, or dissolve at pleasure, as they could see their owne vantage. The bishops, and the rest of the commissioners of the Generall Assemblie, conveened in the chappell of the palace. The ministers comming

from all quarters, conveened in the kirk of the toun, and choosed Mr Patrik Simsone, minister at Stirline, to be their moderator. By prayer and conference they tasted a little of the sweetnesse and confort of their old meetings. In end, they agreed upon some articles to be givin in to the bishops and commissioners, for concord and peace.

1. That the cautiouns of the Generall Assemblie sould be insert in the bodie of the act of parliament made in favours of the bishops, and that they be censured accordinglie, as was craved by the commissioners of the Generall Assemblie, at the parliament holdin at Perth, where the said act was made.

2. That the discipline and governement of the kirk practised, established, sworne, and subscribed unto, stand inviolable.

3. That the Assembleis generall and provinciall be restored to their old integritie, as most effectuall meanes to beare doun the enemeis.

4. That the banished and confynned brethrein, God's faithfull servants, be restored to their owne places and liberteis.

These articles were propouned gravelie by Mr Patrik Simsone, in name of the rest, to the bishops, and the rest of the commissioners of the Generall Assemblie. They seemed to like weill of them, but say they, "It behoveth to conferre and agree upon them at the nixt Generall Assemblie, that his Majestie may be the rather moved to consent to them:" and so they shifted the mater. Yea, they obteaned the ministers' consent to the articles following, partlie under shew of peace, partlie under shew of danger; for they pretended they were desirous that the nixt Assemblie might be keeped peaceablie, with the king's licence and good lyking, which could not be obteaned, unlesse these articles were yeelded unto. On the other side, Mr Johne Hall certified the ministers, that the Erle of Dumbar, with the English doctors, and a great number of old and new made erles, lords, and knights, were comming doun, prepared to overthrow the discipline and governement of the kirk with one blow, at the nixt Generall Assemblie. This was but a fained taile, to make the ministers to consent to these articles; for

the event declared they came not for suche end, nor with anie hope to effectuat suche a purpose.

ARTICLES AGREED UPON BY THE BRETHREIN CONVEENED AT FALKLAND, THE 16TH OF JUNE, 1608; AND BY WAY OF ADVICE RECOMMENDED TO ALL THE PRESBYTEREIS WITHIN THE KINGDOME.

1. That the questiouns presentlie standing in controversie among the ministers anent the maters of governement, be untuiched and unhandled on either side, till the nixt Generall Assemblie; and no occasioun givin, by privat or publict speeches, of anie farther distractioun of mindes; but that all, by good countenance and otherwise, kythe themselves to others as brethrein, and ministers of Christ; setting themselves with their endeavoure, speciallie in doctrine, against Papists, their superstitious religioun, and proud pernicious practises.

2. That the Generall Assemblie hold at the tyme appointed, which is the last Tuisday of Julie; and that his Majestie be most humblie intreated for that effect.

3. In the said Assemblie, the commoun effaires of the kirk sall be handled, and an accompt of the commissiouns givin in the Assemblie preceeding; and some solide course advised upon, for disappointing the practises of the enemeis, and the advancing of the Gospell of Jesus Christ.

4. That nothing which is in controversie, and makes strife in the kirk, be treatted in the said Assemblie, but the same be conferred upon in a privat conference, by suche as the Assemblie sall appoint, to prepare a way for composing these differences; and the Assemblie to appoint a meeting of brethrein at suche tymes, place, and maner, as they thinke fitt for that effect.

5. That requeist sall be made to his Majestie for relaxing the brethrein that are confynned, and speciallie suche of them as have beene present at the conference, that they may keepe the said Assemblie.

DUMBAR COMMETH FROM COURT.

About the end of June, the Erle of Dumbar came doun with a commissioun of lieutenantrie for the north parts, and two doctors with him; Doctor Abbots, Deane of Wencester, and Doctor Higgins of Ripole. The noblemen, barons, and counsellers that were in Edinburgh, went out to accompanie him in to the toun. So he entered in Edinburgh upon the first of Julie, with a great traine. The chanceller, then proveist of Edinburgh, the bailliffes, and manie of the citicens, mett him at the Neather Bow Port. It was spokin broadlie, that no small summes of money were sent doun with him, to be distributed among the ministers, and sindrie others. The English doctors seemed to have no other directioun, but to perswade the Scots that there was no substantiall difference in religioun betuixt the two realmes, but onlie in things indifferent, concerning governement and ceremoneis, which might stand weill eneugh, without anie danger of faith or salvatioun; and to shew, that it was his Majestie's will, that England sould stand as he found it, and Scotland as he left it.

Doctor Maxie, one of the king's chaplans, came by sea. When the English doctors came to St Andrewes, Mr Robert Howie, a man of a seditious and turbulent spirit, declamed against the discipline and governement of the kirk. The English doctors then uttered their minde in plaine termes. This was a manifest breache after the conference, and no order taikin with it. This was the policie of the aspyring bishops, to cry, "Peace! peace!" and to crave silence of their opposits, when in the meane tyme they tooke advantages, as occasioun served.

Some of the ministrie of Fife, perceaving what preparatioun was made by the other partie for the nixt Assemblie, sent to the presbytereis in sindrie parts, the copie of the commissioun and instructiouns which they had givin to their commissioners; that thereby they may know their minde, and how to direct their commissioners.

THE COMMISSIOUN.

"We, the Moderator and remanent Brethrein of the Presbyterie of A., understanding that there is a Generall Assemblie to be holdin at B. the * * day of C. nixtocum, in the yeere of God 1608; and after due advisement having found, that by long intermissioun and want of Generall Assembleis, als weill ordinar as *pro re nata;* the discharging of sindrie provincialls of their lawfull meetings; the absence and restraint of speciall members of sindrie presbytereis in the principall provinces within this kingdom; the libertie of electioun of commissioners to Generall Assembleis, now pinched and throwed contrarie to the order and custome of the kirk; the witholding of stipends from some of the ministers, and shoring of others with the like censure, except they yeeld to the intended alteratiouns and innovatiouns; the fearefull distractioun of the ministers; the grouth of Papistrie; the pride and insolencie of Papists and orderlesse persons; the great number of appellatiouns undiscussed, and by the dangerous sequeles of everie one of these, and of them all conjunctlie, the unitie, peace, order, and edificatioun of the kirk within this realme is dangerouslie wounded, impaired, and hindered; and by the doubts, difficulteis, questiouns, and disputatiouns daylie arising of the former occasiouns, farther to be endangered, unlesse that by the mercie of God, some godlie and wise remedie be tymouslie provided; have therefore appointed, and by these presents ordeane and appoint A. B. C. our commissioners; giving unto them our full power and commissioun to repaire to the said Assemblie against the first day therof, and there in our names, to treate, reasoun, vote, and conclude, concerning the repressing of Papists, Papistrie, and orderlesse persons; the discussing of appellatiouns; the setting doun of convenient overtures, and articles anent the restoring of the Generall Assembleis, provincialls, and presbytereis, to the free use of their wounted priviledges and liberteis ratified by law; the removing of the present distractioun of the brethrein, and the causes therof; and

the searching out and putting in forme of suche conditiouns of peace as wherin the great God may have his due honour, the king's Majestie his contentment, and whereby the ministers and remanent members of our professioun may be in a godlie content and concord reunited. With expresse command to passe from the said Assemblie Generall to the provincialls and presbytereis, and ilk one of them; then to peruse the said overtures and articles; and after due reasoning and deliberatioun had therupon, to returne the same rypelie advised, together with their best opinioun anent the convenient removall of these present evills, and sattling of solide order for peace and concord in tyme comming, to the nixt Generall Assemblie, to the effect that there they may be concluded with brotherlie harmonie and consent. And by reasoun of the said distractiouns and other evills above writtin, expresslie forbidding the said A. B. C. our commissioners, and ilk one of them, under the paine of depositioun from their offices in the ministrie, and excommunicatioun, to vote or anie wise give consent to anie innovatioun or alteratioun of the governement of the Kirk of Scotland, anie article or claus therof whatsoever, intended to have beene altered or innovated, since the Generall Assemblie holdin at Halyrudhous, in November 1602, or sall happin to be intended in this present Assemblie, for advancing or establishing episcopall governement, which is, and has beene ever judged by this kirk to be contrare to the Word of God; or to the transferring of the power and order of electing of moderators of provincialls or presbytereis, from either of them respective, and conferring therof to anie other person or persons whatsomever; or to the continuance of anie moderator in his office of moderatioun, longer than from one provinciall to another respective, as the kirk for verie good causes has beene in custome; and generallie, to no mater, that in anie wise may breed, nourish, and increasse distractiouns in the kirk within this realme. Declairing whatsoever they sall doe in these caces to be null and of no effect, and them to be censured and proceeded against as is above provided.

"Be this our commissioun subscribed by our clerk, at our com-

mand, at * * * the * * * day of * * * the yeere of God 1608."

INSTRUCTIONS TO THE COMMISSIONERS TO BE DIRECTED TO THE ENSUING GENERALL ASSEMBLIE.

"1. That at the productioun of this present commissioun, and before anie mater be acted in the said Assemblie to be holdin, etc., the commissioners earnestlie desire this present commissioun to be registred in the bookes of the Generall Assemblie; at least, an act made in the beginning of the Assemblie, expresselie bearing, that no mater sall be handled therin, but according to the tenour of this present commissioun. And incace of the refusall of the one and the other, to protest, that they produced a commissioun of such a tenour; and therafter, desire the protestatioun with the commissioun to be ingrossed and registred. Which being done, lett them adhere to the protestatioun, and publictlie dissassent from whatsomever sall be done otherwise than the said commissioun beareth.

"2. That it would please this present Assemblie, for farther explanatioun of the article of the Booke of Discipline anent the electioun of moderators of Assembleis, to declare, and by ordinance establish, that all the provincialls, presbytereis, and other lawfull assembleis of the kirk within this kingdom, and ilke one of them, have in and of themselves respective, lawfull and sufficient power to choose, censure, inputt, and remove their owne moderator; and that the lawfull continuance of ilk moderator in his office of moderatioun, als weill of provinciall as presbyterie, is, and sall be, from one provinciall to another; and that for eshewing of iniquitie, ambitioun, and tyrannie.

"3. That no minister alreadie burthenned, or that in anie tyme heerafter sall happin to be burthenned by the Generall Assemblie with commissioun in weightie effaires of the kirk, be in anie tyme comming during his commissioun overburthenned with the moderatioun, or elected moderator of anie presbyterie, provinciall, or Generall Assemblie.

"4. That the acts of the Generall Assemblie alreadie made against delapidatioun, non-residence, carelesnesse, and other corruptiouns in the persons and callings of the ministers, with suche additiouns as sall be found needfull, be gravelie recommended to the provincialls and presbytereis; with expresse command to them, with all possible diligence to censure their owne members respective, according to the acts of the Generall Assemblie, without exceptioun of persons or causes, as they will answere to God, and to the said Assemblie.

"5. And incace anie motioun be made prejudiciall to the present discipline, or anie way tending to the furtherance of episcopall governement, or anie degree therof, faile not to declare to the said Assemblie, that we, and our brethrein, favourers of the discipline and governement therof, lyke as we have offered to our brethrein intending episcopall governement; so, in the face of this Assemblie, we offer to defend the said discipline, by the warrant of the Word of God, and to impugne what can be opposed against the same, or what can be said for episcopall governement, as our said offer at more lenth beares; humblie requesting the said Assemblie to consider of the said offer, and to assist, mainteane, and stand for the good caus.

"And, finallie, yee sall take heid, that no noblemen, barons, or burgesses, be admitted to vote in the Assemblie, namelie, in maters of weight concerning the governement of the kirk, but suche as have commissioun from their presbytereis; and so manie onlie as the order and custome of our kirk alloweth."

MR JAMES MELVILL'S ADVICE TO THE BRETHREIN ANENT THE ASSEMBLIE.

"1. The best overture against Papists is, to suffer Christ to raigne freelie in preaching of his truthe, keeping of assembleis of the lawfull officers of his kingdom, as they have beene found forcible for that effect these fourtie yeeres in Scotland, during which tyme, there was skarse heard of one Papist to be in Scotland; and not

permitting that capitall errour, and great mother and nurce of Antichrist, the Roman hierarchie, to creepe in the Kirk of Scotland; for whosoever procures that, are verie agents and patrons for Poprie.

"To make a challenge of disputatioun I would not, for that imports a casting of our discipline and governement in questioun, which must be decided by a judge; and your judge that will judge is your enemie: but stand wakerifelie, honestlie, and constantlie to the truthe established, being readie alwise in assembleis, and out of them, to give the reasons of your faith and professioun out of the Word of God. For doubt not, but your adversar partie who intendeth a change, will travell to bring the mater in questioun, to the intent he may brangle and subvert the faith, and state of the whole kirk.

"If they will compell you to reasoun, as upon maters doubtfull, then your conditiouns come in, which are verie weill advised. The which if they be granted, our forces for defence will be strong eneugh. If they be refused, or the speciall of them, then you must make appellatioun to a free and better advised Generall Assemblie of the whole Kirk, the which appellatioun I would wish to be weill qualified, and givin in in writt, subscribed with the hands of all that carie upright hearts in the caus; and then, turne to prayers and teares, importuning Him whose glorie is most interessed, and who can give judgement, and make redresse when it pleaseth him.

"If the forme of commissiouns and instructiouns be receaved, and made commoun among all the presbytereis, or the most part therof, there is not onlie no danger, but a great hope in the caus. Let it be laboured diligentlie and wiselie, to make them commoun and uniforme.

"*Observandum præcipue*, that the top, or rather root and foundatioun, of the hierarchie and episcopall lordship, is the supremacie, which ather at this tyme, or some other, will be brought in and urged, as the right of the king's owne crowne, which none but Papists will denie or refuse to subscribe; and will be dealt into

as a mater of another nature than your questiouns of bishops or kirk ruling. For this (as a most royall effaire) are, and sall be sent doun, royall commissiouns of all estats in both kingdoms, erles, lords, barons, doctors of divinitie, and both the lawes, etc., for this the consent of all factiouns will be alledged, (Papists excepted,) Formalists, Puritans, Brownists; and muche more will be said and layed out.

"But becaus it is a new mater, unpropouned and heard of in our church, large tyme for informatioun would be craved, that whatsoever belongeth properlie to Christ he might keepe it, and nothing denied to the king that he sould have. The Spirit of the onlie wise God give you wisdom in all things. Amen."

It appeareth by the contents, that the commissiouns and instructiouns above writtin were formed and directed to some presbytereis, before the last conference holdin at Falkland.

DR DOWNAM'S SERMON SENT TO SCOTLAND.

Doctor Downam made a sermoun for the maintenance of the authoritie of bishops above ministers, at the inauguratioun of Doctor Montague, Deane of the King's Chappell, prefered to the Bishoprick of Bath and Wells. The sermoun, conteaning an abridgement of Bishop Bilson his Booke of Perpetuall Governement, was printed, and some copeis sent to Scotland, before the appointed Assemblie, and that by the king's directioun. But Mr Andrew Melvill sent to Mr James Melvill, his nephew, out of the Towre, a short answere, which here followeth, together with some epigrammes upon Downam.

A SHORT CONFUTATIOUN OF DR DOWNAM'S APOLOGETICK SERMOUN FOR THE DIGNITIE OF THE EPISCOPALL OFFICE.

"Christ findeth fault with the angel of Ephesus, becaus he had left his former love; with the angel of Pergamos, for suffering of these who held the doctrine of Balaam and Nicolaitans; of Theatira,

for bearing with cloven Jesabell, false prophetesse; of Sardis, as dead in sinne; of Laodicea, of being nather hote nor cold, but luckewarme, riche in his owne conceate, and wanting nothing; being neverthelesse a miserable wretche, poore, blind, naiked, and therefore worthie to be spewed out of his mouth. And this, when Christ delivered the revelatioun of this mysterie of the seven starres (which he exponeth to be angels of the seven churches, not the seven angels of the seven churches, as Downam taketh it) to Johne. If this then was the estate and conditioun of the angels of these churches in these days, and if these angels were bishops, suche as be our reverend fathers of the Church of England, as Downam exponeth this, being about the climacterick yeere of 63 after Christ's suffering and resurrectioun, what has beene the sensible decay within 100, 200, 300, 400, etc., whill this 1600 yeeres?

"Secundlie, How proves Downam one onlie angell in one church, seing all faithfull pastors and teachers be *divinæ voluntatis interpretes et nuncii?* Nather sayeth Christ, 'Seven starres are seven angels,' as he sayeth, 'Seven candlesticks are seven churches.' But the text is, 'The seven starres are the angels of the seven churches.' How can he then prove out of this place, one pastor above the rest, exalted in the degree of a bishop, to be angel of the Kirk of Ephesus, where there were manie bishops? Acts xx., as at Philippi, Phil. i. 1, *et sic de aliis.* As for τω αγγελω της εκκλησιας, the relatioun is *inter angelum et ecclesiam, et non inter angelos et cæteros pastores aut compresbyteros,* and an evident *synedoche numeri,* as ὁ αγαθος ανθρωπος εκ του αγαθου, &c., ὁ δε πονηρος, &c., Mat. xii., ὁ ποιμην ὁ καλος, Joan. x., *et similia alibi passim,* which is als muche as, Everie one, *Singulis et uniuersis.* And that which is writtin to the angels is writtin to the church, etc. Neverthelesse, he makes this text his ground, *et petitione principii idque sæpius,* proveth his intent, interlairding testimoneis of men all long after the writting of the Revelatioun, and concluding an apostolick institutioun of English bishops. Barlo was foolish and profane; this man would appeare more modest, but no better grounded. The

Scriptures alledged by him are violentlie drawin by the haire, namelie, 1 Tim. v., οἱ καλως προεστωτες, etc., whom he maketh *implere ministerium suum*, κ'επι αυτες ενλεγω, etc., to doe but a part of the office; neverthelesse, he will have the doers of a part to be more speciallie respected, and more honoured nor the performers of the whole duetie. Or rather, he will have these self-same men, whom he will have all to be ministers of the Word, more worthie of double honour for doing a part of their office, than for weill discharging their whole office, and everie part of their duetie; which is verie strange, unlesse it be *dimidium plus toto*, against the principall engraft in our hearts naturallie, and borne with us, *Omne totum est majus sua parte.* The evident place of Ambrose on 1 Tim. v., to the same purpose, he sophistically eludeth, exponing one word, *(Doctorum) quorum desidia vel potius superbia, seniores quorum sine consilio nihil agebatur in ecclesia, obsoleverunt*, learned or teachers, *docti aut doctores;* and that drawing *disidiam* to the one sort, to witt, inferiour pastours, at their severall churches; and *superbiam* even then, *in quo prævaricari videtur in causa.* But it were longsome to marke all, and my short tyme will not permitt. Yee will observe in reading in this, in refuting laick elders, which is his first point; his secund and thrid be against parishes and parish bishops, for dioceses and diocesan bishops, wherin he is most bauche with his Platina and Pseudodamasus, and all after the first hundreth yeere, and therefore impertinent. He draweth Calvine, by allegatioun most falselie and impudentlie, to agree with these three heeds against elders, parishes, and parochiner bishops and pastors.

"*Major instat moles, majus miscendum malum.* These angels be not angels by nature; they be not the churches; they be not laick elders, nor ministers of severall parishes: what can they be then but diocesan bishops, and suche as our Reverend Fathers, in a singular and perpetuall degree of superioritie, majoritie, and power of ordinatioun, which he will prove by Tit. i. τουτου χαριν κατελιπον σε. &c., and so he extracts chymicallie these words, Titus created a bishop with singular eminencie of both these powers perpetuall in

his person and successors, to ordinat and judge, etc., his fellow-ministers, not with consent, but by plaine bangsterie. And to this weaponshow, manie roustie halbert, bill, and reisted bow is brought, to make a reissill. And so, instead of Scripture, and apostolicall institution, and exemple in their dayes, there be alledged the fathers, als weill bastard as lawfull gottin and canonick, mounted as apostolick, and councels alledged, *et quid non? et omnia απθοδιοδιονυσα*, being without the compasse of 100, 200, 300, 1000 yeeres. And how old that ever they were, they were men that might erre and lee, and blinded with the use and custome of their owne tyme, and yitt crying out against the corruptiouns of the same. In the heed of superioritie, which is the fourth, with this double power, the Scripture, he perverteth, the antiquitie of fathers is impertinent, and out of tyme, having no strenth of probatioun; and yitt sayes not so farre, as to approve our Reverend Fathers in their singular eminencie and superioritie of power, receaving the same not from the church, nor from their collegues, but from the Pope and canon law, for the whole forme and law of ordinatioun and jurisdictioun, and from the prince for princelie power above their brethrein, to exercise the same, speeking nothing of their temporalitie and worldlie lordships.

"And notwithstanding all this the fyft must be largelie discoursed upon, and by a threefold cord of three syllogismes fastlie or falselie concluded. That this episcopall dignitie and majoritie is *apostolicæ institutionis et divini juris*. In the which demonstratiouns, the midd couple will never hold fast the souple to the handstaffe, notwithstanding the hoodstaill of wrested Scripture, and threedbare fathers feeble in their loyneis. Suche tautologeis and vaine baibling I would never have looked for at this tyme to have proceeded from a man that is a logicianer, nor to be directed toward the north, for convincing of our brethrein, who, if they be not corrupted more with the 14,000 pund sterline sent thither, *tanquam aureus hamus*, the evidence of this booke, and demonstratioun of the profane follie of men, can never be able to perswade them to leave the embraced, practised, and established by law, to

their eternall infamie and condemnation; from both the which, the Lord preserve them.

"*In summa*, The mysterie of the seven starres, and angels of the churches, are cast heere in non-entrie, by prescriptioun and usurpatioun, *quæ non valuit ab initio;* and, therefore, *Nulla temporis longinquitate convalescere potest.* Consider the threefold order of arguments, mediatelie from the apostles' tyme to this 1600 yeere; in the apostles' dayes, and not reprehended by them; and thridlie, instituted by the apostles, all false lees. '*Multos ego vidi ineptos homines; ineptiorem Phormione neminem.*' Bilson is more dangerous. *Valeo Dei gratia et animo et corpore, et spero dum spiro, nec me spes fallit in illum in quo spero.* To whose grace I committ his owne caus, you, and all the brethrein who I know care for me, with my heartie and loving commendatiouns in the Lord, *nominatim.* Lett me know how our speciall freinds doe, Ephraim, Richard, Symmystæ Scotus, Carmichael, Dykes, etc.

"Tuus ut suus imo Christi, totus quantus quantus 1. quantuluscunque. Downamus in 1 Tim. iii. Pastores omnes episcopi uno eodemque nomine, et pari æqualique potestate, dignatur; in explicando autem mysteria septem stellarum, solos episcopos Anglicanos facet, angelos septem ecclesiarum.

"Pastores fidos omnes nos Downamus æquat,
Præsulibus laudi dum labor urget opus.
Idem mox septem stellarum arcana revelans,
Angelico hos unos tollit in astra gradu.
Nos animas viles quibus una est perdia pernox,
Cura gregis vulgi in fæce relinquit humi.
Christe, ducum lecti pecoris, cordate magister,
Coge gregem, numerum non habet ille suum.

"Aliud—

"Si stella est sacri gregis angelus, angelus Anglus,
Præsul et hic gemino splendit in imperio;

Quærere nunc restat quæ stella sit angelus Anglus,
Præsul ut is gemino splendit in imperio.
An quæ stella hærens cœlo scintillat ab alto?
Subtus an orbe alio qui vagus erro micat?
Potentam an terris metuendus crine cometas
Stella in abaxe in humum tracto draconis ope?
Et quam in ter terno tenit angelus ordine sedem,
Ætheris, aut terri, aut æquoris haud erebi;
Nam regnandi illi haud veniat tam dira cupido,
Ut papa cerbereum tollat in astra caput.

"A. M."

By this letter we may perceave, that the prisoun had not cooled his zeale, but he continueth the old man. At the same tyme, he made a large answere to Downam's sermoun in Latine, a worke worthie to be enquired for, and putt to the presse. The Lord Popham, the Lord Cheefe Justice of England, and the Lord Buckhurst, Lord Great Treasurer of England, the two men with whom he had sharpest speeches at the counsell table, were called before the Great Judge of the world before this tyme. Buckhurst, with whom he was hotest, died suddanlie of an appoplexie at the counsell table, in the moneth of Aprile last bypast.

MR D. HUME'S LETTER TO THE BISHOP OF ORKNEY.

Upon Julie the elleventh, Mr David Hume of Godscroft directed another letter to Mr James Law, Bishop of Orkney, which heere followeth:—

"TO THE RIGHT HONOURABLE THE BISHOP OF ORKNEY, etc.
ut supra.

"Right unfainedlie beloved brother, in that onlie love and true fellowship,—I receaved your letter of the 23d of Junie within two or three days therafter, and have beene so long in answering, by

the occasioun of your owne desire, that your letter sould not by will or neglect come to the view of anie other, which made me, that I thought it not fitt to carie them with me whether I went, least some negligence might present them to suche adventures; and I have since beene almost ever from home, where I nather had leasure to write, nor had them with me, whereto I might have conformed my writting. Now, this first tyme have I gottin, and yitt skarse thinke I have sufficient leasure to view it out of these parcells, and to frame due answeres therunto; which indeid would crave more deliberatioun, and a better considerance, if it might not seeme to be alreadie too long delayed. Alwise, repose yourself on me on that point: I sall not communicat your letters with anie; I sall not carie them abroad with me; and at home, they sall ly in a lockefast kist; and if there be anie thing needfull for secrecie, that yee may be in suretie to write freelie whatever your minde dytteth. Yitt the perrell seemeth greater on our side, that hold the contrare opinioun, least it may offend whom we were laith in our hearts, and whose offence carieth harder consequence, and must now incurre, as it compted on small occasiouns, to their no small prejudice. For me, out of the conscience of a fervent zeale to the honour and weale of my prince since I was ten yeeres old, I thinke, I speeke, I wryte, I doe all things; nather doeth it, nor can it abandoun me, the love of my countrie. I compt joynned with it, the love of the kirk, with both inseparablie. In these if I erre, I erre, and cannot feare sharpe rebookes, though I happin somewhat to erre. Love feares not, nather is suspicious, and I must lift my eyes to Him who seeth in secreit, what love is in my heart, and has all hearts in his hand; nather am I solist to whose knowledge it come, yea, I wishe all come to the knowledge of all, the hearts, the words, the deeds. And it feares me (or too great feare giveth occasioun to greater feare) whill the silence of all is taikin for the allowance of all, and none informing aright, there must be muche informing wrong to them that see not but by the eyes of others, which I take to be the great caus of all these great greefes greeve us. Nather will I crave ought in this point, but

your discretioun, in the love we pretend all to a commoun kirk. Lett all myne be with you, as yee thinke fitt to that use, privat or not privat with yourself, with or whom yee please, with bishop or anie ellis, yea, if his Majestie might see the meaning, als weill as the saying of his humble subject.

"Our speeche I allow be simple, and without flowres of rhetorick, (except suche as serve for cleerenesse, not for ornament,) without fard or bastard logick, direct, without diverting by digressiouns or by-wayes; loving without hatred, at least of persouns of men; calme without storminesse; of affectiouns, sweete without bitternesse, or taxing even of taxing; popular without curiositie, or scolastick subtilitie of words; as farre as may be plaine, without ambiguitie of words or phrases. So sall it be shortest, soundest, and soonest brought to the point, which otherwise men can never come to, though they spend whole volumes. In which qualiteis, give me leave, brother, before I come to the questioun, to call to your minde, that part of your letter where you regrait the mutuall dissensiouns and decay of love, a complaint commoun to us all, and mentiouned in my letter also, and on too too good reasoun, yitt warilie to be tuiched, if we seeke not rather to canker it nor to cure it. Your words are pulpits and holie places, etc., and so furth. View againe, I beseeke you, deere brother, and say yourself, are they not even over sharpe, and unmeete for this peaceable and mylde conference? Are they not amplified by all places and points of rhetorick, interrogatiouns allegorick, axioms, comparisouns in the hardest sort, and even bended to the highest note, which that string harped on can admitt? Are they not all tuiches of these men that stand out, and compt that their necessar duetie, by all meanes at their utter power, against the courses urged upon the kirk; of whose part, for my part, I compt best, and in whose reproaches, if I be silent, I sould seeme allower; which I were als laith to doe, as I would thinke me in the wrong if I sould doe it. And have anie their speeches cutt off the rightnesse of their caus out of their hard usings, out of the uncouth forme of proceedour in the whole caus against them, and against it, (which manie honest

men doe accompt God's caus, not theirs,) als muche mater of defence? which if we sould enter in, and in that sort exaggerat, what end sould there be? I eschew to tuich these byles, and leave to your good considerance the forme they are used with; skuffed taunted reproached, they and their whole caus in words, preachings, proclamatiouns, no lesse indeid, farre more, both becaus it is mater rather of contentioun to no use now; and becaus, what is right on either side will better appeare in the decisioun of the caus wheron that judgement hangeth, and so must that decisioun goe before.

"Therefore, wishing things to be left off or delayed, I will leave off also to speake of that your meeting at Falkland; which if it bring out a good solide peace to the weale of the kirk, I am glade. But to be plaine, in my accustomed maner, I never heard anie thing yitt more greeved me in my outward sight, as the greatest step to the full subverting of our kirk governement, the mouche, as I take it, of truthe in religioun, leaving also to be congratulated that your judgement (right indeid) of honour, and your experience of the toylesomnesse in it, (foretold by manie writters, confessed almost by all mouths, and certanelie sinking in the hearts of all cleere judgements, and which I rejoice ever to heere confessed by all men.) I will with them also passe by also to speeke of honour competent to elders, and how the word 'Lord' beseemeth and soundeth to the ministers of the Gospell, howbeit yee may see my minde in my former, where I professe to use all suche words more by tolerance nor allowance, and not without a hinke, if I doe not tolerat more nor eneugh in respect of the constitutiouns of our established kirk, and of the harmes that use or abuse of words bringeth oft tymes in maters; and will come directlie to the point of your answere to my first propositioun. That the discipline receaved may not be altered, yee answere, 'There is nothing altered, or to be altered, in anie essentiall point or part of our discipline.' Which words, I would yee had explicated, and declared what yee had meant thereby in the questioun controverted of bishops and new moderators; for as it standeth, it may affoord a threefold meaning; to witt, ather,

"1. That bishops and these new moderators are not brought in,

nor to be brought in the Kirk of Scotland, and so, nothing to be altered that way: Which, if it be true, we mistake things farre. But, I trow, that be not your meaning, in the urging of them with suche instance, and with so muche adoe. Or ellis,

"2. That they are alreadie in the Kirk of Scotland, and so by the urging of them, is not to alter anie thing: which I trow yee will als little say: Or ellis,

"3. That their being, or not being in the kirk, is no essentiall part of the discipline of the Kirk of Scotland; which, I thinke, has als little reasoun to be said, and must confesse, that if it be not essential, I wote not what to call *essentiall.*

"Now, if I sould take me to all these three, it sould be a longsome, and perhaps not necessar travell. If to anie one, I might weill misse your minde, and strive with a shadow. And other nor one of these three, I see not for it, they (the bishops and moderators I meane) be to be brought in; and if they be not in alreadie, and if this point be essentiall, then is there something altered in an essentiall point. Therefore, I would pray you, that before all things, yee would condescend which of these yee meane, and joyne your reasoun withall. If it be the first or the second, what is this we are all doing so long; and how is this dissentioun in the kirk? If it be the thrid, then it will be needfull to explicat what yee call essentiall, what circumstantiall; and which are the essentiall, which circumstantiall points; and how it is that bishops or not bishops, and that without their caveats, (for so men thinke ather they be, or aspire to be,) how is it that the perpetuall moderator his being or not being in the kirk, with all priviledges that follow him, is no essentiall part of our Scotish discipline? By which discipline, (that there be no ambiguitie in that) I meane, as I am sure yee know, the kirk policie, or kirk governement.

"This being done, we sall come easilie to the rest of your answere, and my propositioun, which whill then I leave, resting on your answere, and committing you to God, whom from my heart I beseeke, as yee desire me, that yee may seeke, and thrist, and obteane that glorie which is from him onlie; knowing that yee

will finde all other but more and more vanitie and vexatioun of minde and bodie; as also, that he may blesse this conference to us both, and worke his owne glorie out of it. Amen. Julie 11th, 1608.

"Yours in Him unfainedlie and zealouslie."

The Generall Assemblie proclaimed to be holdin at Dundie was holdin at Linlithquo, the last Tuisday of Julie. A fast was appointed to be keeped the first day. Mr Andrew Lamb taught in the morning on Lucke xix. 4. Mr Patrik Galloway, moderator of the last formall Assemblie, had an exhortatioun upon 1 Cor. iv. 1. He pointed out suche things as were controverted among the brethrein. Mr Robert Cornwall, minister of Linlithquo, taught afternoone, upon Exod. xvii. 9. After Mr Patrik had ended his sermoun, the Assemblie conveened. Mr Patrik declared the caus and end of their meeting. The number of noblemen and gentlemen present at that Assemblie by his Majestie's directioun was above fourtie. This putt the brethrein in a great feare, that some pernicious conclusioun was to passe by pluralitie of votes. Sindrie of the ministers remembred the moderator, that onlie three commissioners were granted to his Majestie by the acts of the Assemblie. Mr Patrik answered, that if they would cast off the noblemen, their conclusiouns would want executioun; "for we must pray and preache, but they must fight." So they went to the choosing of a new moderator.

Mr Patrik Schairp, Mr Patrik Simsone, Mr Johne Mitchelsone, Mr Johne Hall, Mr James Law, Bishop of Orkney, Mr Patrik Lindsey, were putt upon the leits and removed. The bishops were called upon to give their votes, before the ministers, commissioners from presbytereis were called upon. There was first seene the difference betweene bishops and commissioners in the Assemblie. Mr James Law, Bishop of Orkney, was chosin moderator, and prevailed by three votes over Mr Patrik Simsone. The erles, lords, barons, and gentlemen sent for by the king, voted for Mr James Law. If the votes of the best affected of the ministrie had not

beene divided, by reasoun that some of them feared Mr Patrik Simson's bodilie infirmitie, Mr Patrik had prevailed. Alwise it was a great encouragement, to see a number of the ministrie sett one way, and gave appearance, that they were able to resist anie conclusioun prejudiciall to the caus.

The members of the privie conference were chosin of the worse sort. The Erle of Dumbar delivered the king's letter, and commissioun from the king, with power to assume two or three assessors. He assumed the Erles of Lothian and Wigton, and the collector. The king's letter conteaned two points: The one, his zeale and care to represse Papistrie, where he declared, that he would disappoint the diffident opiniators, imputing to him slackenesse in proceeding against Papists, notwithstanding his faire promises, and the act made at Linlithquo; desired men to be more modest in their speeches heerafter. The other concerned his love to the Kirk of Scotland, and to the good estate therof, where he wished everie thing that might hurt the same might be removed; as namelie, the present distractioun and alienatioun of hearts, for circumstances and maters indifferent, which might ather be, or not be. The letter was kindelie accepted, and thankes givin to God for it.

Mucle adoe there was about Papists. They were divided in three rankes; professed, suspected, and non-communicants. Three in speciall were pointed out, professed, and heads; the Marquesse of Huntlie, the Erles of Erroll and Angus. The Bishop of Aberdeene was demanded if Huntlie was excommunicated according to the directioun givin to him at Falkland? He answered, Not. They asked, If the processe deduced against him was closed? He answered, It was closed, and nothing resting but to pronounce the sentence. They advised, whether the sentence sould be pronounced presentlie in face of the Assemblie, or remitted to the Presbyterie of Aberdeene. All agreed that it sould be presentlie done without farther delay; which the moderator, after a verie solemne maner, did. After pronouncing of the sentence, the Erle of Dumbar, his Majestie's commissioner, promised that fourtie dayes

being expired after the pronouncing of the sentence, the civill sword sould strike without mercie or favour to him or his; an although some of his freinds sould come and buy his escheat, it sould be refused. Angus and Erroll were referred to the Presbytereis of Perth and Glasgow, to urge them to conforme in hearing of the Word and partaking of the sacraments; which failing, to pronounce the sentence. Dumbar promised in like maner executioun of the civill law against them without favour. As for the rest of the Papists, this overture was givin in, that everie province sould conveene by themselves in the place where the bishop or moderator of the province sould appoint, and sould give up the names of Papists professed, suspected, or non-communicants; and that without feed or favour. The which to doe, their oath was solemnelie taikin in the presence of God and the whole Assemblie. Farther, that the provinces conveening sall try the causes of the increasse of Papists, and devise remedeis, and to report the same in writt to the Assemblie, which was done. A great number of Papists in all places of the realme were givin up. The cheefe causes of Papistrie increassing were thought to be these: Impunitie of the cheefe and principall, nather the civill nor spirituall sword striking upon them; the spirituall, becaus of the want of a Generall Assemblie these manie yeeres; the civill, becaus the governement of the kingdome was committed to men suspected of Papistrie themselves, and therefore favourers of other. The remeed, that a petitioun be preferred to his Majestie for the libertie of the Generall Assembleis and Provinciall, conforme to the act of parliament; and that suche office-bearers as were suspected of Papistrie be deposed, and sound professors placed in their rowme. The secund caus was found to be the rash and haistie admissioun of ministers. The remeed, that a large tyme sould be spent in tryell before impositioun of hands. The thrid, the present distractioun among the brethrein, which the enemeis laboured to foster, and the restraint of so manie faithfull brethrein banished, imprissoned, and confynned, within and without the countrie, who, whill they were present in their owne places, were fearefull and terrible

to the enemeis. The remedie, that an overture be found out for removing the present distractiouns; and a petitioun made to his Majestie for releeving of suche brethrein as are banished, confynned, or imprisouned. The names of the Papists, the causes of the increasse of Papists, and the remeids, were presented by the provinces to the privie conference. It was thought good in the privie conference that it be propouned to the whole Assemblie that a little booke be made, and therin the names of the Papists sett doun, professed, suspected, and non-communicants; and that certane commissioners be chosin to present the same to his Majestie for order taiking with them. So commissioners were chosin; and least the ministers sould feare that all these proceedings sould vanishe away as the proceedings at the last Assemblie at Linlithquo did, two ministers from everie province were appointed to meete at Edinburgh the 15th of November nixtocum, to heare his Majestie's answere, and to see executioun without partialitie. This shew was made of hard dealing against Papists to cover their present intentiouns, and to cover Matthæus Tortus his alledgance where he challengeth the king of his promise made to the Pope and Papists; and for the same caus it was thought good a supplicatioun sould be made to the king for pacifeing the controverseis of the kirk, and restoring ministers banished, confynned, or imprisonned, to their libertie.

The visiters appointed by the Assemblie at Halyrudhous, so manie as were present, gave in their diligence in writt. Some brethrein were appointed to peruse their diligence. They find manie kirks wanting pastors, and other misorders, speciallie in Merce and Tivioidaill, Cathnesse and Sutherland; but no mentioun was made of the Bishop of Orkney his tyrannous proceeding at his last visitatioun against three of the ministers of Jedburgh Presbyterie, nather had they accesse to compleane upon him; for by his procurement, they were first putt to the horne, and then confynned by the counsell. The commissioners of the last Generall Assemblie offered themselves to be tryed. They went all furth, and Mr William Cowper suppleed the moderator's rowme. He

asked if they had anie thing to lay to their charge? Silence was taiken for approbatioun. Wherupon was made an act, approving them as honest and faithfull men, and, therefore, worthie to be continued in the same office. The moderator shewed sindrie reasouns why they sould be continued: 1. Becaus they might travell from place to place, as the maters of the kirk required, by reasoun of their moyen and riches. 2. They had credite with the king. 3. Through long practise, they had experience and skill in handling maters. 4. Becaus there was none in the Assemblie fitter nor meeter nor they. The brethrein consented, with protestatioun, that their continuance for this yeere following sould not prejudge the libertie of the kirk in their free electioun; but if the conditiouns above writtin, agreed upon at Falkland, had beene keeped, this continuatioun of the commissioners had not beene tuiched, seing the controverseis of our kirk did speciallie strike upon their proceedings.

As for removing the distractioun among the brethrein, that all might joine in unitie of spirit against the commoun enemie, this overture was devised; that seing there was a double distractioun, one in affectioun, another in judgement, both sould be removed after this maner: The distractioun of affectioun, seing it was carnall, and uncomelie in the persons of Christians, muche more of preachers, must be cured by reconciliatioun testified after a solemne maner; with promise before God and the Assemblie, to lay aside all rancour and malice, and to love one another, as the servants of one Lord and Maister. Mr Patrik Simsone was earnest to have this reconciliatioun made. He related what paine he had undertaiken in his journey to come to the Assemblie, being heavilie diseased in bodie, and desired that the brethrein would not judge rashlie of their proceedings at Falkland. But he had done better, if he had distinguished betuixt difference of affectioun arising simplie from difference of judgement or opinioun, and difference arising from corrupt courses of ambitious men aspyring to preferment, with the ruine and overthrow of the discipline of our kirk; and the greefe conceaved by the wiser and sincerer sort, at their tyrannie and

oppressioun of their brethrein standing for the liberteis of the kirk. The act of Falkland concerning unitie was read; all that were present testified their reconciliatioun, by holding up of their hands. The distractioun of judgement was to be taikin away, by a conference of some of both sides best seene in the maters controverted, and disposed to peace. The bishops made their vantage of this reconciliatioun.

The bills and supplicatiouns givin in to the Generall Assemblie were all remitted to the continued commissioners, save onelie a supplicatioun givin in by the elders of Anstruther, for their pastor, Mr James Melvill. The Erle of Dumbar promised, that the commissioners directed from the Assemblie with the roll of the Papists' names, sould interpone a requeist in name of the Assemblie for his releefe. Upon this occasioun, motioun was made to the moderator, to requeist his Majestie's commissioner, with the rest that were sent up, to request the king, in name of the Assemblie, to grant Mr Andrew Melvill, Mr Robert Bruce, Mr Johne Murray Mr William Row, the banished and confynned ministers, their wounted libertie. They granted to doe so for all, except the banished brethrein, whose release they were sure the king woul not grant, except they would confesse their fault.

The moderator preassed to have bishops appointed visiters of their owne dioceis. But it was resisted; and therefore all visitatioun was left off, as if no visitatioun could be had without them. In the end, the Bishop of St Andrewes made an harangue, extolling God's goodnesse, the king's kindnesse, and the noblemen's zeale. After thanksgiving conceaved by the moderator, was sung the 133 Psalme, and so the Assemblie dissolved.

The proceedings of this Assemblie, as they are extant in the register, heere follow:—

"*Acta Sessione prima, 26 Julii, ante meridiem.*

"Exhortatioun being made by Mr Patrik Galloway, Moderator of the last Assemblie, the brethrein, after the accustomed maner, proceeded to the electioun of the Moderator of this present Assemblie.

The leits being nominated, Mr Patrik Schairp, Mr James Law, Bishop of Orkney, Mr Johne Mitchelsone, Mr Patrik Lindsey, Mr Johne Hall, and Mr Patrik Simsone; by pluralitie of votes, Mr James Law, Bishop of Orkney, was chosin Moderator, *hac vice.*

"The assessors appointed to conveene with the moderator in the privie conference for treatting of suche things as are to be concluded in the Assemblie, are these, the Erles of Dumbar, Wigtoun, and Lothian, with the Collector Generall, his Majestie's Commissioners: the Erles of Glencarne and Kinghorne, the Lords Grahame, Lindsey, Loudoun, Blantyre, Halyrudhous; the Lairds of Balmaine, Kinnaird, Kilsyth, Carnell; the Bishop of Cathnesse, Mr William Dowglas, the Bishop of Brechin, Mr Andrew Leitche, Mr Patrik Lindsey, the Bishop of St Andrewes, Mr Johne Mitchelsone, Mr Patrik Simsone, the Bishop of Dunkelden, the Bishop of Dumblane, Mr William Cowper, Mr Patrik Galloway, Mr Johne Hall, Mr David Hume, Mr Johne Knox, the Bishop of Glasgow, Mr Patrik Shairpe, the Bishop of Galloway, Mr Alexander Scrimgeour, Mr William Hammiltoun, Mr Thomas Ramsay, the Bishop of Argile.

"The houres of meeting are appointed to be for the privie conference, eight houres in the morning, and two after noone; and for the Assemblie, nyne houres in the morning, and three after noone.

"The brethrein appointed for reading and answering the bills are, Mr Arthure Futhie, Mr Henrie Philip, Johne Clappertoun, Mr Johne Reid, Mr Peter Hewat, Mr Edward Hepburne, Mr Johne Hay."

"*Acta Sessione secunda, 27 Julii, ante meridiem.*

"Forasmuche as one of the most speciall causes of the conventioun of this present Assemblie is, for suppressing of Papistrie and idolatrie, which daylie more and more increasseth within the same, to the great dishonour of God, and overthrow of the true religioun professed within this realme, if the same be not with

some solide remeed obviated in tyme; therefore it is thought expedient by the Assemblie, that before all other things, this article concerning Papists and Papistrie be first advised upon and concluded.

"And to the effect that the said Assemblie may the more solidelie and with the greater light proceed in the said mater, therefore they have ordeanned, that the commissioners of everie synod sall, at the rysing of this sessioun, conveene themselves severallie, and make a roll conteaning the number of Papists, and the names of them, within the bounds of their synod: Secundlie, the causes why Papistrie, superstitioun, and idolatrie, is come to so great height within this realme: Thridlie, the remedeis for suppressing all sort of Papists and idolaters within the same, viz., Papists who are alreadie excommunicated; Papists who have sworne and subscribed to the truth, and yitt refuse to embrace the same; and Papists, that in word professed the truthe, but in actioun and deid contrarie the same. Fourthlie, what forme of proceeding everie synod has used against the Papists within their bounds. Which articles the said synod sall putt in writt, and deliver the same to the privie conference, at three after noone.

"It is likewise ordeanned, that everie synod sall make a particular roll of the names of suche as are recepters of Jesuits, traffiquing Papists, and Seminarie preests within their bounds, and deliver the same privilie to the Erle of Dumbar, his Majestie's commissioner, to the effect order may be taikin theranent.

"*Item*, Because the Marquesse of Huntlie has beene long under processe, and the sentence of excommunicatioun before the Synod of Aberdeene and Murray; and in respect of his contumacie, and endured superstitioun of Papistrie and idolatrie, they have orderlie deduced and led the said processe unto the finall sentence, the giving furth and pronouncing wherof has beene continued by them from tyme to tyme, upon hope of his Lordship's amendiment, and turning from idolatrie and Papisticall superstitioun to the true religioun presentlie professed within this realme: And becaus they find no hope of the same, but by the contrare greater obstinacie, there-

fore, the whole Assemblie in one voice decerneth and ordeanneth the sentence of excommunicatioun to be pronounced against his Lordship with all possible diligence; and continueth the declaratioun of the place where the same sall be done, and by whom, to the next sessioun."

"*Acta Sessione tertia, 27 Julii, post meridiem.*

"In the presence of the whole Assemblie, compeered Sir Thomas Ker of Hircha, Knight, in name of George Marquesse of Huntlie, and presented a supplicatioun in name of the said noble lord, bearing as followeth:—

"Becaus that conscience is the onlie argument that moved me thus wise to protract tyme, till I have perfytter resolutioun; and being farre from an opinatour, or anie that is givin over to self-will, as appeareth by my yeelding to heare conference; and lastlie, by my going to the kirk; I first would have craved, if possible it could have beene, that I might have beene heard with my owne mouth, that I might most heartilie intreat, that a tyme might be condescended by your Worships, within the which, as it sall please you to conclude, I offer, ather to satisfie the kirk, or presentlie to find sureteis under great summes, to avoide the countrie before the day to be prescribed by your Worships.

"*Et sic subscribitur* HUNTLIE."

"And conforme thereto, desired the same to be considered; and requeists, in respect of the offer therin conteaned, the pronouncing of the said sentence of excommunicatioun against his Lordship might be continued.

"Wherewith the Assemblie being rypelie advised, found the offers conteaned in the said supplicatioun to be verie frivolous, and no wise inclyning to obedience and satisfactioun. In respect wherof, and for manie other causes and considerationns, and speciallie, becaus his Lordship, by his band subscribed with his hand upon the last day of Junie 1608 yeeres, presentlie produced in face of the Assemblie by the commissioners of Aberdeene, bound and obliged

himself to satisfie the kirk, by communicating betuixt the date therof, and the 17th day of Julie last bypast, otherwise the ministrie to proceed with the sentence of excommunicatioun against him; as in the said band at more lenth is conteaned: Therefore, the whole Assemblie all in one voice ordeaneth the sentence of excommunicatioun presentlie to be pronounced against him by the moderator of the Assemblie, in face of the Assemblie, without anie delay.

"Conforme to the which ordinance, Mr James Law, Bishop of Orkney, moderator of this present Assemblie, in face therof, in most solemne forme, pronounced the sentence of excommunicatioun against George Marquesse of Huntlie.

"Which sentence is ordeanned to be intimated in all the kirks of this realme, by the ministrie, the nixt Sunday, immediatlie after their returning from this Assemblie; and in speciall, they command and ordeane the brethrein of the Synod of Aberdeene and Murrey, to intimat the sentence in their kirks immediatlie after their returning; and inhibits, and most straitlie chargeth them and everie one of them, that they receave no offers of satisfactioun from the said marqueis, but the speciall advice of his Majestie and the kirk had thereto.

"The commissioners appointed in the former sessioun for giving in the names of Papists, the causes of their increasse, and remeeds to obviat the same, produced their particular rolls concerning the said heads, which the Assemblie thought good sould be revised, abridged, and putt in order by the Bishop of Glasgow, Mr Patrik Simsone, Mr William Cowper, Johne Clappertoun, Mr Johne Hall, and Mr George Hay, to the effect that the same might be presented by them to the privie conference the nixt morning, that therafter they may be treatted in face of the Assemblie."

"*Acta Sessione quarta*, 28 *Julii, ante meridiem.*

"Forasmuche as the brethrein of the Presbyterie of Glasgow and Synod of Cliddesdaill, who were appointed to deall and conferre with William Erle of Angus, Lord Dowglas, &c., for bringing of

him from blindnesse and superstitioun of Papistrie and idolatrie, to the acknowledging of the truthe presentlie professed in this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversioun from his errours, but that rather, by all evident tokins, he was the more obstinat and obdured in his heresie of Papistrie, which he some tyme abjured of before, by subscribing to the true religioun presentlie professed within this realme: Therefore, the Generall Assemblie decernes and ordeanes the Presbyterie of Glasgow to proceed against the said William Erle of Angus with the censures of the kirk, untill the finall pronouncing of the sentence of excommunicatioun against him inclusive, with all possible diligence; and that they pronounce the said sentence against him betuixt and the 18th day of September nixtocum. To whom, the Assemblie committs their full power to that effect; discharging and inhibiting anie of them to receave anie offers from the said noble lord, for absolving him from the said sentence, without the advice of his Majestie and commissioners of the Assemblie had and obteaned thereto.

"Forasmuche as the brethrein of the Presbyterie of Perth, who were appointed to reasoun and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnesse, and superstitioun of Papistrie and idolatrie, to the acknowledging of the truthe presentlie professed within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversioun from his errours, but that rather, by all evident tokins, he was the more obstinat and obdured in his errour of Papistrie, which he sometyme abjured of before, by subscribing to the true religioun presentlie professed within this realme; therefore, the Generall Assemblie decernes and ordeanes the Presbyterie of Perth to proceed against the said Francis Erle of Erroll with the censures of the kirk, unto the finall pronouncing of the sentence of excommunicatioun against him inclusive, with all possible diligence; and that they pronounce the said sentence against him betuixt and the 18th day of September nixtocum. To whom the Assemblie committs their full power to that effect; discharging

and inhibiting anie of them to receave anie offers from the said noble lord for absolving him from the said sentence, without the advice of his Majestie and the commissioners of the Assemblie had and obteaned thereto."

"Forasmuche as by the declaratioun of the brethrein of the Presbyterie of Irwing, it was made known to the Assemblie, that after long dealing and conference had by them with * * * Lord Sempill, for bringing him to the acknowledging of the truthe, and embracing of the true and sincere religioun presentlie professed within this realme, they could not reape anie good fruict of their labours and travells taikin with him; but by the contrare, he still continued obstinat and endured in his detestable errour of Papistrie and idolatrie, to the great hurt and evill exemple of the rest of the countrie: Therefore, the Generall Assemblie presentlie conveened chargeth straitlie and commandeth Mr Alexander Scrimgeour, moderator of the Presbyterie of Irwing, under the paine of infamie, and deprivatioun from his functioun, to pronounce the sentence of excommunicatioun against the said * * * Lord Sempill, in the kirk of Irwing, upon the Sunday, the 14th day of August nixtocum, after the sermoun, but anie delay or impediment whatsomever; and that the whole brethrein of the ministrie within the bounds of the Synod of Kyle, Carict, and Cuninghame, intimat the said sentence of excommunicatioun so pronounced against the said * * * Lord Sempill, everie one of them in their owne parish kirks, upon Sunday nixt, and immediatlie following therafter; discharging also and inhibiting the said moderator and remanent brethrein of the said Synod to receave anie offers of satisfactioun from the said Lord Sempill, without the advice of the king's Majestie and commissioners of the Generall Assemblie had and obteaned therto."

"*Acta Sessione quinta, 28 Julii, post meridiem.*

"The brethrein appointed of before for revising and putting in order of the causes of the increasse of Papistrie within this realme, and of the overtures for remeeding and suppressing the same,

gave in the said causes and remedeis therof, of which the tenour followeth:—

"The causes of the growth and increasse of Papistrie within this realme are thought ather to arise of the part of the ministrie, or ellis of other causes arising from the ministrie.

"1. Their negligence to see the youth in everie parish brought up in the knowledge of the truthe by catechizing, and carelesnesse to urge provisioun for schooles within their bounds.

"2. The rashe and suddan admissioun of men to the ministrie, that are not able to withstand and convince the adversarie: A dangerous evill in the dayes of apostasie.

"3. The laike of care in ministers to marke the offences, viz., to consider the course of the enemie, and to discover and delate Jesuits and traffiquers in religioun, and others perverted by them.

"4. The distractioun arising among the ministrie, whill as diversitie of judgements has drawin them unadvisedlie to contrarietie of affectiouns, breeding carnall contentiouns among themselves."

OVERTURES FOR REMEEDING OF THE CAUSES FORESAIDS.

"1. That it be of new enacted, that all ministers examine young children of the age of six yeeres, and try that they have the Lord's Prayer, and Articles of Beleefe, with the Commandements. In the which, their parents sall be holdin to instruct them before the said yeeres, together with some short forme of Grace before and after meate, as also, some short morning and evening prayer. And againe, that their grouth in knowledge in greater points of religioun be tryed, that afterwards it may please God to grant increasse of knowledge, at the age of fyfteene or sixteene yeeres, they may be admitted to the Holie Communioun.

"2. That the apostle's precept may be remembred, 'Lay hands suddanlie on no man;' and according to it, that for closing of the doore upon the affectiouns of men, some longer tyme be prescribed for admissioun of men to the ministrie, the exceptioun of rare gifts being referred to the judgement of the Generall Assemblie.

"3. That ministers who sall be found after tryell to have delayed executioun of discipline against Papists upon negligence, that is, ather not beginning processe, or if it be begunne, not ending the same within halfe a yeere, sall lose a yeere's stipend; and these that sall be found to have done it upon some corrupt favour sall be simplie deposed.

"4. That there be recommended to the ministrie a holie care mutuallie to eshew offences, and follow peace and love, wherunto we are called. The meanes for removing suche offences are referred to the Generall Assemblie."

CAUSES OF THE GROUTH OF PAPISTRIE, AS THEY ARE CONCEAVED TO ARISE OF OTHERS.

"1. The overseing of Jesuits and Seminarie preests to traffique within the land, for perverting of suche as have not had occasioun to goe out of the countrie, and impunitie of suche as have receaved them. As also the libertie that evill disposed persons voide of knowledge have taikin of the injurie of tyme, to bring home the bookes of apostats and professed Papists.

"2. The preferment of men suspected of religioun to publict offices within this realme.

"3. The favour shewed by these that are in authoritie to traffiquers and excommunicated Papists, after that they had beene apprehended and wairded; suche as the Abbot of New Abbey, and other masse preests, dimitted as is thought, out of waird, not without rewaird, and without all warrant of his Majestie, and presentlie tolerated in this countrie without pursute; which has not onlie wrought a coldnesse in religioun in the hearts of manie people, but also nourished a false opinioun of his Majestie, which openlie bursteth out in the mouths and speeches of manie.

"4. That where presbytereis are proceeding in the tryell of masse-sayers and masse-hearers, impediment is made by the lords of his Majestie's counsell, ather by advocatioun before the lords, or dispensatioun to suche as are excommunicated, or by contramand-

ing the presbyterie to desist, under the paine of horning; and that excommunicatioun being produced against anie person before the judges, the same is not regarded, but processe granted unto him as if he were a member of the kirk, and not excommunicated.

"5. The great libertie granted to the subjects of this kingdom, to repaire unto suche parts wherin nothing is taught but defectioun from religioun, and treasoun against lawfull princes, and no securitie taikin for their constancie; and in speciall, the sending of noblemen's sonnes by suche as are in authoritie furth of the land, with suche convoy as may deliver them into the hands of Papists to be perverted in religioun, wherupon manie of them are become apostats.

"6. Last, the want of preachers in manie congregatiouns in this land; so that in one province, threttie-one kirks are to be found vacant, and in others, some seventeene, as in Nithisdaill, and others twentie-eight, as in Annerdaill, and siclyke in manie parts of the land."

OVERTURES FOR REMEEDING THE CAUSES FORESAID.

"1. That a commissioun be granted by his Majestie to the bishop of everie synod, with suche weill-affected noblemen and gentlemen, as the commissioners of the Generall Assemblie sall nominat, to apprehend traffiquing Papists, Jesuits, and Seminarie preests, that doe haunt within their bounds; with power to charge the recepters to make patent doores, and deliver them, under the paine of treasoun.

"2. That his Majestie be humblie intreatted, that no Papists, or suspected of Papistrie, beare charge in counsell, sessioun, governement of touns, nor other like offices; and if there be anie in the estat presentlie, whom his Hienesse knowes in his owne wisdom to be men evill affected toward religioun, that his Majestie would be pleased to take order therewith.

"3. That his Majestie will give order for the executioun of his Highnesse' lawes against Papists and traffiquers with all rigour; and

that no favour be granted by anie officer of estat, without his Majestie's privitie, under paines of incurring his Majestie's high displeasure; as also, that the counsell make no impediment by their letters of horning, to discharge the proceedings of presbytereis against the persons foresaid.

"4. That Papists who first have beene knowne professors of Papistrie, and for eshewing of civill paines or hope of preferment will abjure their religioun, that his Majestie will be pleased to caus inact, that it sall not be lawfull to suche to injoy any office or honour in the commoun wealth, notwithstanding of their oath and communicating, till five yeeres probatioun has beene taikin of their constancie and sinceritie in professioun of the truthe.

"5. That the act made at Bruntiland concerning the sonnes of noblemen and others passing into other countreis, be considered and confirmed, wherof the tenour followeth:—

"*Item*, For eshewing of further evill which might come to the estat of religioun by the evill educatioun of the youth furth of the countrie, it would be craved of his Majestie and Secreit Counsell that suche noblemen and others as direct a pedagogue with their sonnes furth of the countrie, that their pedagogue be knowne godlie and of good religioun, learned and instructed in the same, and approved in his religioun by the testimoniall of his presbyterie; that their remaining furth of the countrie in the places where the religioun is presentlie professed, or, at the least, where there is no restraint of the same by the crueltie of inquisitioun, that during the tyme of their absence they sall not have anie exercise of idolatrous religioun; and suche as have not the moyen to susteane a pedagogue with their sonnes out of the countrie, that they send them to suche parts where there is no restraint of religioun. And incace their sonnes, after their departure out of the countrie, haunt these parts where the professioun of the true religioun is restrained, that they find cautioun not to interteane them. And incace anie that passe furth of the countrie embrace anie other religioun than that which is presentlie professed within this realme; and this to be an exceptioun against their service of their breeves, and at the tyme

of the admissioun of them to anie offices or honours. And incace anie of their parents controveene anie of the premisses, that they incurre suche paine as his Majestie and Secreit Counsell sall modifie; and that suche as are alreadie out of the countrie be called backe againe before a day to be appointed by his Majestie and Secreit Counsell; or ellis, that their parents be subjects to the like conditioun as is before sett doun, with suche other additiouns to be eeked as his Majestie sall thinke expedient. And in speciall, for better explanatioun heerof, that at everie service of anie man as heyre to his father or anie his predecessors, he be not served by the shireff or anie ordinar judge to burgh or to land as heyre to his father or anie his predecessors, without the testimoniall of the bishop and moderator of the presbyterie where he dwelleth, bearing the confessioun of his faith, and integritie of religioun presentlie professed within this realme."

"6. That the sonnes of suche noblemen as professe Papistrie be delivered into the custodie of other their noble freinds that are of religioun, to be brought up in the knowledge of the truthe.

"7. That the searchers of merchandise brought home from beyond sea be commanded to seaze upon the bookes brought home, and present them to be tryed by the ministrie of the presbyterie into the which they arrive; and that all booksellers likewise doe the same before they make opin sale therof, under the paine of confiscatioun.

"8. That excommunicated Papists, speciallie suche as be of ranke, be apprehended and putt in closse waird, and none have accesse to them except suche as are of religioun presentlie professed.

"9. That his Majestie give order for the douncasting of the Laird of Geicht's chappell, the hous of Johne Cheyn in Kissilmouth, who receipteth all Jesuits and Seminarie preests.

"10. That order be taikin with the pilgrimages, viz., to the chappell called Ordiquhill, and the Chappell of Grace; and to a well in the bounds of Einzie, upon the south side of Spey.

"11. That suche persons as are or sall be excommunicated and beare publict office within this realme, and thereafter putt to the

horne, that they nor their deputs sall bruike no office nor authoritie under his Majestie after their denunciatioun, but that his Majestie sall appoint others in their rowmes, to doe and minister justice to his Majestie's lieges.

"12. Last, that his Majestie would take order anent the planting of the kirks that are presentlie destituted of pastors, and in speciall, anent the kirks of the Chappell Royall.

"Which whole causes of increasse of Papistrie within this realme, with the overtures for remeeding therof, the Assemblie has thought expedient that the same be directed to his Majestie, with an humble supplicatioun, requeisting his Highnesse to take suche order theranent as his Majestie sall thinke most expedient for repressing of Papistrie, and increasse of the truthe and light of the Gospell within this realme; wherunto the Erle of Dumbar, his Majestie's commissioner, with the remanent of the nobilitie presentlie conveened in this Assemblie, has promised to concurre; and therefore the Assemblie has nominated, and by these presents nominats, George Erle of Dumbar, Wigtoun, Johne Archbishop of Glasgow, * * * Livingstoun of Kilsyth, Mr William Cowper, minister at Perth, James Nisbit, burgesse of Edinburgh, and Mr William Hart of Prestoun, their verie lawfull commissioners: Giving them their full power to present the humble supplicatioun of this present Assemblie to his Majestie, together with the causes of increasse of Papistrie, and overtures for remeed therof above rehearsed; desiring them that they would most humblie intreate his Majestie to consider of the same, and if his Highnesse thought expedient, to caus the same be putt to executioun; and that the rather becaus that after the last conventioun holdin at Linlithquo, wherat there were manie good acts and constitutiouns sett doun and concluded, the Papists did neverthelesse most proudlie and contempteouslie upbraid diverse of the ministrie, mihassing them that they or the nobilitie conveened with them at that tyme durst be bold to conclude anie thing that might tend to the prejudice of Papists or Papistrie, as was cleerely understand by the brethrein conveened in this Assemblie."

"*Acta Sessione sexta, 29 Julii, ante meridiem.*

"The which day, the Assemblie thought expedient that the commissioners above specified, elected and chosin to present the supplicatioun of this present Assemblie to his Majestie as is above rehearsed, sall with all commodious diligence repaire to his Majestie, and with all humilitie present the said supplicatioun to his Highnesse; and what answere it sall please his Majestie to give, that they may report the same betuixt and the 16th day of November nixtocum. And to that effect, the Assemblie has chosin out of their number the noblemen, barons, and brethrein underwrittin, viz., the Erles of Crawfurd, Mortoun, Glencarne, Linlithquo, Kinghorne; the Lord Grahame, the Lords Lindsey, Saltoun, Lovat, Torphichin, Lowdan, Skoone, Bugcleuche, Blantyre, Halyrudhous; the Constable of Dundie, the Lairds of Kinnaird, Balvaird, Carnell, Howestoun, Edmistoun, Broxmouth, Polwart, Sir Johne Hume of Northberwick; the commissioners of Edinburgh, Perth, St Andrewes, Glasgow; with the brethrein after following, Mr William Dowglas, Mr Alexander Rawsone, Mr Abraham Sibbald, Mr Johne Reid, Mr Arthure Futhie, Mr Andrew Ramsay, Mr Johne Kinnear, Mr David Lindsey, Mr Adam Bannatyne, Mr Patrik Wemes, Mr Edward Hepburne, Mr George Ramsay, Mr William Methven, Mr Patrik Schaw, Mr William Birnie, Mr Walter Stuart, Mr Hugh Foullertoun, Mr Johne Mackquhoune, Mr Thomas Ramsay, Mr Robert Glendinning, together with the Commissioners of this Generall Assemblie, to conveene at Edinburgh the said 16th day of November nixtocum; and there to receave from the said commissioners the report of his Majestie's most gracious answere to the supplicatioun foresaid, in name of the whole Assemblie; and in the meane tyme the Assemblie commandeth and ordeaneth the whole presbytereis within this realme to proceed against Papists of all sorts within their bounds with the censures of excommunicatioun.

"The said day, the commissioners of the last Generall Assemblie being called to give acompt of their whole proceedings since the last Assemblie, compeering, offered themselves to be tryed in their

proceedings by the present Assemblie, to abide at the censure of the same. And being demanded for productioun of their acts and proceedings in writt, declared by the mouth of Mr Johne Hall, their moderator, in absence of Mr Patrik Galloway, that the same could not be found, by reasoun, that sometyme Mr James Nicolsone, minister at Meigle, and in his absence umquhile Mr Richard Thomsone, minister at Cassiltoun, were ordinarie scribes, and keepers of the rolls of all their proceedings, who are both deceassed this life. And albeit they have made travell at their executors' hands for obteaning of the said scrolls, yitt they could on no wise atteane unto the same; and therefore they, and everie one of them, did offer themselves to be particularlie censured by this present Assemblie. In respect wherof, the Assemblie ordeaned them all to remove; which being done, Mr William Cowper, moderator, appointed to this effect, demanded publictlie if anie of the Assemblie had anie thing to object against the said commissioners' proceedings, why the same sould not be ratified and allowed? and in respect of the taciturnitie of the whole brethrein, and that nothing worthie of censure was objected to anie of them or their proceedings, the saids commissioners being returning in the Assemblie, tooke instruments of the ratificatioun and allowance of their said proceedings.

"The said day, the brethrein of the Generall Assemblie presentlie conveened, having advisedlie considered the necessitie of electing and choosing commissioners from this present Assemblie, for giving advice to his Majestie anent the suppressing of Papisticall superstitioun, which increasses more and more daylie within this realme; therefore they have made, constituted, and ordeaned, like as by the tenour hereof they make, constitute, and ordeane Mr George Gladestains, Bishop of St Andrewes; Mr Johne Spotswod, Bishop of Glasgow; Mr David Lindsey, Bishop of Rosse; Mr Alexander Lindsey, Bishop of Dunkelden; Mr Peter Blckburne, Bishop of Aberdene; Mr James Law, Bishop of Orkney; Mr Alexander Dowglas, Bishop of Murrey; Mr Gawin Hammiltoun, Bishop of Galloway; Mr Alexander Forbesse, Bishop of Cathnesse; Mr An-

drew Lamb, Bishop of Brechin; Mr Andrew Knox, Bishop of the Isles; Mr Patrik Galloway, Mr David Hume, Johne Clappertoun, Mr Johne Knox, Mr Robert Howie, Mr Johne Hall, Mr Johne Caldcleuche, Mr Johne Strauchane, Mr Andrew Boyd, Mr Andrew Leitche, Mr Robert Wilkie, Mr Patrik Schairpe, Mr Patrik Simsone, Mr George Hay, Mr Patrik Lindsey, Mr William Scot, Mr Adam Bannatyne, Mr Johne Hay, and Mr William Cowper, or anie ellevin of them, their verie lawfull and undoubted commissioners from this present Assemblie; giving, granting, and committing to them, or anie ellevin of them, as said is, full power to plant suche kirks in the speciall burrow touns, as presentlie are, or sall be found destitute of pastors, before the nixt Assemblie: Attour, if it sall happin the king's Majestie to be greeved at anie of the ministrie, for whatsomever enormitie committed by anie of them against his Highnesse, with full power to them, or anie ellevin of them, as said is, to try and cognosce therupon, and take suche order theranent, as they sall think expedient to the glorie of God and weale of the kirk: And, finallie, with power to them to present the greeves and petitiouns of the kirk to his Majestie, his Highness' Secreit Counsell, generall conventiouns, and Parliament, that sall happin to occurre before the nixt Assemblie; and to crave redresse of the same; ordeaning them to give compt of their proceeding to the nixt Assemblie, where it sall happin to conveene. *Promitten. de rato.*

"It is alwise speciallie provided, that this present nominatioun of the same commissioners which were for the most part commissioners in the last Assemblie, sall no wise be prejudiciall to the libertie of the Assemblie, in choosing and electing commissioners, whom they sall thinke most meete and expedient; nather sall this electioun induce or import anie perpetuitie of the office in the persons elected.

"*Item*, It is statuted, that the whole-commissioners be desired and wairned to keepe all their conventions, if opportunelie the same may be done.

"Forasmuche as the distractiouns and eyelasts which are suspected

to be in the hearts of the brethrein amongst themselves, is one of the most speciall and urgent causes of the increasse of Papists and Papistrie within this realme: Therefore, for avoiding of that, certan of the brethrein, viz., the Bishops of St Andrewes, Glasgow, Rosse, Orkney, Mr Johne Hall, Mr Patrik Simsone, Mr William Cowper, and Mr Johne Knox, conveene with his Majestie's commissioner, to advise upon the most solide and substantiall overture for removing of the said eyelasts and distractioun, and to report the same to the nixt sessioun."

"*Acta Sessione septima, 29 Julii, post meridiem.*

"The said day, the brethrein appointed for advising upon the best overtures anent the distractioun and eyelasts that were entered in the hearts of the ministrie, declared, that after mature deliberatioun, they found the said eyelasts and controverseis to arise, ather upon distractioun of affectiouns, or ellis diversitie of opiniouns; the first wherof being carnall, and therefore more dangerous, becaus it suffered not the brethrein whose affectiouns were separated, to unite themselves with effald and uniforme counsell and advice, to resist the subtile practises of the commoun enemie, and so give him place, with his subtile crafts and shifts, to enter in the kirk of God, and thereby to supplant and undermyne the same: Therefore their advice was, that as the danger increasseth by nourishing of the distracted affectiouns of the brethrein, even so the cure was the more necessar, and the more haistilie to be applyed, to witt, that the whole brethrein in the ministrie sould presentlie in the feare of God, lay down all rancour and distractioun of hearts and affectiouns, which either of them have borne against others in anie tyme bypast, and be reunited and reconciled with heartie affectioun in Christ, as becomes them who are ministers of the Word of God, and preachers of peace, and Christian love, and charitie to his people: To the effect, that by this heartilie reconciliatioun, their hearts and advice may be conjoynned, for disappointing of the craftie device of the commoun enemie.

"Which advice, the whole brethrein of the Assemblie most lov-

inglie and heartilie embraced, and ordeaned everie one of them, als weill commissioners present, as of the ministrie that were absent, to obey the same, by laying down, and casting away all grudge or rancour, that anie of the brethrein did beare at others. In tokin wherof, and of an effald unioun of hearts and affections, they all held up their hands to God, testefeing to His majestie the truthe of their hearts in the said mater; and likewise, they ordeaned the same to be intimated to the rest of their brethrein, at their returning to their presbytereis, to the effect that the same may be done in every presbyterie, immediatelie after their returning, as said is. Inhibiting also and discharging anie suche distractiouns or rancours to be amongst them, ather in affectioun, or in word, deid, or countenance, but that they concurre in a mutuall freindship, and holie amitie in God, as becomes the pastors of the kirk of Christ; and whosoever doeth in the contrare, that he be censured in his owne presbyterie or synod; and incace of their negligence, by the Commissioners of the Generall Assemblie.

"As for the secund caus of eyelasts, which is said to arise upon the diversitie of opiniouns; because the said diversitie of opiniouns resulteth upon different judgements among the brethrein concerning the externall governement and discipline of the kirk, which cannot be so shortlie discussed and advised upon as the brevitie of the Assemblie permitteth: Therefore, it was the opinioun of the brethrein foresaid, that the same sould be delayed to a tyme more convenient; and in the meane tyme, certan appointed to reasoun, treate, and advise upon the same; which likewise the Assemblie has thought expedient; and therefore they have elected and chosin the brethrein after following; viz., the Bishops of St Andrewes, Glasgow, Dunkelden, Orkney, Cathnesse; Mr Patrik Schairpe, Mr Robert Howie, Mr Johne Mitchelsone, Mr Henrie Philip, Mr George Hay, Mr Patrik Galloway, Mr Johne Hall, Mr Patrik Simsone, Mr William Scot, Mr Archibald Oswald, Mr Johne Knox, Mr Johne Carmichael, Mr Adam Bangatyne, Mr Johne Wemes, and Mr William Cowper, commissioners in that part, to conveene with his Majestie, or suche of his Majestie's Counsell as his Majestie

sall appoint, at suche tyme and places as they sall be required by his Majestie; and to reasoun and consult in all maters standing presentlie in controversie amongst the brethrein, anent the discipline of the kirk; and whatsoever they agree upon, to report to the nixt Generall Assemblie.

"And in the meane tyme, whill the nixt Assemblie, for an interim, the advice of the brethrein conveened at Falkland the 16th day of Junie last bypast be observed, anent the constant moderator.

"*Item*, It is statuted and ordeanned, that as upon everie fyft day of August, publict thanksgiving is given to God, for preservatioun of his Majestie from the treasoun of sometyme Johne Erle of Gowrie, throughout all the parts of Great Britaine, that evin so the same be intimated at everie parish kirk with all possible diligence; ordeaning, that suche as refuse to doe the same be observed, and delated to the Commissioners of the Generall Assemblie.

"*Item*, Becaus the brethrein appointed for tryell of the diligence of the commissioners appointed by the last Assemblie for visitatioun of the presbytereis did report, that it was a generall greefe and complaint, givin in by the few commissioners that had produced their diligence, of the great desolatioun of the want of pastors, and in speciall, the farthest of the north and south parts, therefore the brethrein ordeaned the commissioners of this Assemblie to direct a supplicatioun to his Majestie, for taiking order for planting of the whole kirks within this realme.

"And in respect of the great necessitie of the kirks of Annerdaill, Ewesdaill, Eskdale, and the rest of the kirks of the Dales, which are altogether unplanted, as likewise of the kirks of Cathnesse and Rosse, in the which it is regraited, that in manie of them the Holie Communioun was never celebrated: Therefore the Assemblie has givin and granted, lyke as they, by the tenour heerof, give and grant their full power and commissioun to the brethrein underwritten, viz., to the Bishop of Glasgow, and Mr Johne Knox, for visitatioun of the kirks of Annerdaill, Ewisdaill,

Eskdaill, and remanent Dales unplanted, as said is; and the Bishop of Cathnesse, George Dowglas, and Mr William Dowglas, for visitatioun of the kirks of Cathnesse and Rosse; with power to them to plant ministers at the kirks within the said bounds respective, and to try the literature, qualificatioun, and conversatioun of suche as are alreadie planted. And incace of insufficiencie, to deprive them of their functions. With power also, to caus kirks be re-edified where as they are demolished, and if need beis, to unite kirks where necessitie requires, and to report their diligence to the nixt Assemblie. *Promitten. de rato, etc.*"

"*Acta Sessione ultima, penultimo Julii, ante meridiem.*

"*Item*, Becaus a great part of the desolatioun of kirks proceedeth from the absence of certan of the ministrie from their flocks, by reasoun they are so confynned, therefore the Assemblie has thought expedient, that their commissioners direct an humble supplicatioun to his Majestie, most humblie desiring his Highnesse to sett at libertie suche of the ministrie as are confynned, to the effect, by their presence and awaiting on their cure, their flockes may be conforted, which are now left desolate.

"*Item*, Becaus it is humblie lamented, that the inhabitants of the toun of Aberdeene ceasse not yeerelie to elect and choose suche persons to be magistrats, and upon their counsell, as are wilfull and professed Papists, and enemeis to the truthe professed within this realme, to the dishonour of God, and the dishearting of suche as feare his name, and contempt of discipline within that burgh: Therefore it is ordeaned by the Assemblie, that the Presbyterie of Aberdeene inhibite the counsell and inhabitants of the said burgh, that they elect nor choose no Papist to beare office of a magistrat, or upon the counsell, in anie tyme comming; and if they doe in the contrare, that they proceed against them with the censures of the kirk. Ordeaning likewise the commissioners appointed for his Majestie, to adjoyne this petitioun to the rest of their supplicatiouns, that by his royall authoritie a civill paine may be imponned upon the contraveeners of the said act.

"*Item*, It is ordeanned, that no minister in anie tyme comming take upon hand to solist in favour of Papists, or suspected of Papistrie, ather before the civill or spirituall judge, or otherwise, ather by word or writt, under the paine of deprivatioun.

"*Item*, Because there are sindrie supplicatiouns and bills givin in to the Generall Assemblie, which for shortnesse of tyme cannot be decided nor answered, therefore the Generall Assemblie remitts the same to their commissioners above constituted, ordeaning them to conveene upon the 15th day of November nixtocum, and there to decide and answere all suche bills and supplicatiouns as sall be directed unto them upon the backe, from this present Assemblie.

"*Item*, Becaus it has pleased God of his mercie to grant a good and happie successe to this present conventioun, to the confort of his owne kirk, and discontentment of his enemeis, therefore the Assemblie ordeanes the same to be intimated by everie presbyterie at their severall parish kirks, immediatelie after their dissolving from this conventioun; and that they give publict thankes for the same, and pray God for a prosperous and long raigne to his Majestie, and the health of his royall posteritie.

"The nixt Generall Assemblie is ordeaned to hold at Edinburgh, the last Tuisday of May, the yeere of God 1609 yeeres, if his Majestie sall thinke expedient.

"Thankes being givin to God for the prosperous event of this Assemblie, by prayer and singing of psalmes, the same was dismissed.

"Extract furth of the Register of the Acts of the Generall Assemblie, by me,

"Mr THOMAS NICOLSONE,
"clerk, keeper, and extractor thereof."

In this Assemblie, convocated when the learnedest and wisest of the ministrie standing for the established discipline were banished or confynned, the bishops gott a great vantage. They were continued commissioners of the Generall Assemblie and perpetuall

moderators of the presbytereis where they were resident. Under pretext of reconciliatioun, they insinuated themselves in the affectiouns of the simpler sort; and under pretext of a conference appointed for removing differences of opiniouns, and abstinence from all controverted points till they were determined, the bishops thought they had stopped all the ministers' mouthes, and brought in suspense and questioun what discipline was most lawfull, as if it had never yitt beene decided amongst us; wheras there was no particular expressed, nather was it meant by the sincerer sort, that the established discipline sould be called in questioun; yea, the bishops themselves professed they had no intentioun to alter it. The meaning of the sincerer sort was onlie to conferre upon controverseis alreadie rissin. That they tooke this advantage appeared soone after at the exercise of the Presbyterie of St Andrewes, where the doctrine was censured as delivered against the truce, even as if one word must not be spokin of discipline to or fro. The ministers appointed for the sincerer sort were chosin at the pleasure of the other partie, some of them being present, others confynned and absent, of which number some have become bishops sensyne, namelie, Mr Adam Bannatyne, Mr Johne Abernethie, and Mr William Cowper. Mr Johne Abernethie had givin a proofe, at the Bishop of Orkney's last visitatioun of the Presbyterie of Jedburgh, was by the bishop's procurement chosin commissioner with another like himself, and George Johnstoun and Mr David Calderwod chosin commissioners by the synod, before witholdin by confynement in their owne parishes through the said bishop's persecutioun. So Mr Johne Abernethie, now Bishop of Cathnesse, weill knowne to the Bishop of Orkney, was nominated to be at the conference, and for the sincerer sort. No doubt, these men were nominated of purpose to prevaricat and to try the stedfastnesse and intentioun of the rest with whom they were joynned. The confynning and banishing of a number of the ministrie ablest to withstand the corrupt course, and the procuring of commissioners from presbytereis, with terrours on the one side, and flatterie and lees on the other side, are sufficient reasouns to reject the authoritie of

this Assemblie. But suche Assembleis wanted not the assistance of the civill authoritie.

MR J. MELVILL'S JUDGEMENT OF THE ASSEMBLIE.

Mr James Melvill, two dayes before the Assemblie, after prayer, with carefull meditatioun and fasting for the Kirk of Scotland, he weyghed these places of Scripture, Johne xii. 28; Psalm lxxxi. 12, 13; Psalme lxxxv. 9; and after he had weyghed them, the trouble of his solicite minde was asswadged. After he heard of the proceedings of the Assemblie, he wrote his judgement to one of his familiar freinds, to witt, that he saw cleerelie that wherof he had forewarned the brethrein ten or twelve yeeres before, that ather God must change the king's heart, or the governement of the kirk would be overturned; for as he had begunne and proceeded with authoritie and craft, so by the same meanes he would bring to passe his purpose. The bishops being continued commissioners of the Generall Assemblie, are strenthened in their course. Whatsoever the king directeth to be done in ecclesiasticall effaires he doeth by them. The ministers are subject to the perpetuall moderators, the moderators to the bishops and commissioners, and they to the king. The most part of the appointed pacificators will agree to these conclusiouns for establishing the pretended peace of our kirk, which is to be established in the nixt Assemblie.

The fyft day of August was solemnelie keeped with fires of joy. The Erle of Dumbar and other noblemen came to the Croce of Edinburgh.

Upon Fryday the 12th of August, George Sprott, sometyme servant to the umquhile Laird of Restalrig, and after notar of Haymouth, was hanged at the Croce of Edinburgh for concealing the treasoun alledged committed by the umquhile Erle of Gowrie. He was apprehended in Aprile, upon some reports which escaped him that he was privie to the Erle of Gowrie's conspiracie; wherupon he was brought to Edinburgh, and examined before the Lords of Secreit Counsell. Letters were found in his hous, alledged to

be writtin by the umquhile Laird of Restalrig to certane persouns whose names could not be knowne, becaus the letters were not directed on the backe. A relatioun was made in the letters of the whole proceedings of Gowrie's treasoun, and about some meeting appointed for that purpose betuixt the Erle, Mr Alexander his brother, and the said laird in his hous of Fascastell. It was thought strange by manie that the Erle of Gowrie and his brother would communicate a purpose of suche importance to the Laird of Restalrig, a deboshed drunken man. This notar could counterfoote anie man's hand writt vivelie, so that no man who knew Restalrig's hand writt could discerne it to be counterfooted. When he was booted, as seemed, to try farther, he protested all was false he had writtin or said in this mater, and willed his hearers to give him no credit therafter if he spake or wrote otherwise. Secretar Elphinstoun was earnest to bring this purpose about, but gott little thankes, as we sall heare soone after. The mater lying over till the Erle of Dumbar's comming in the countrie, he caused take the said George Sprott out of waird, and cure his legges, bruised with the bootes. When he was presented before the counsell, he declared, that albeit the letters were writtin and devised by himself, yitt the mater itself was true, and that he was privie to the treasoun, which he also affirmed before the assise.

The scaffold was sett hard to the croce, that the Erle of Dumbar, who was over against the croce in Sir Johne Arnot's loodging, and other noble men, might behold and see. Mr Johne Hall, Mr Walter Balcalquall, Mr Peter Hewat, and Mr Patrik Galloway, together with the English doctors, came to the scaffold. Mr Patrik had the most part of the speeche to him. He againe affirmed that Restalrig was privie to the treasoun, and himself also as a servant, howbeit not as an actor: willed the people to pray for him to God for pardoun to him that concealed that treasoun, and sang a psalme. After he was hanged, his bodie was brokin and quartered, and his head sett up beside the Erle of Gowrie's. A little before the executioun, when Mr Johne Spotswod, Bishop of Glasgow, said to Mr Patrik Galloway, "I am afraid this man make us

all ashamed;" Mr Patrik answered, "Let alone, my Lord; I sall warrant him;" and indeid he had the most part of the speeche to him upon the scaffold.

Notwithstanding of Sprot's confessiouns, so manie as did not beleeve before were never a wheate the more perswaded, partlie becaus he was a false notar, and could counterfoote so fynelie men's hand writts, for which caus he was worthie of death; partlie becaus benefite was promised to his wife and childrein by the Erle of Dumbar, and had suffered both death and torments as a false notar. The people woundered wherefore Dumbar sould attend upon the executioun of suche a meane man, and surmised that it was onlie to give a signe when his speeche sould be interrupted, and when he was to be cast over the ledder. Farther, it was unknowne to anie man that ever Gowrie was acquainted with the Laird of Restalrig; yea, suche was the accompt men had of Gowrie, that they thought he would not discredit himself by contracting a familiaritie with so dissolut a man.

MR J. MELVILL DELATED BY MR MORTOUN.

Upon Fryday, the ellevinth of August, Mr Mortoun, Vicar of Newcastell, made a sermon before Philips and Alton, judges itinerall, and delegat for the assises, the shireffs, justices of peace, the major of the toun and his brethrein, upon Proverbs xxv. 5. He made three rankes of the wicked: first, Jesuits, Seminarie preests, and traffiqueing Papists: the secund, of mainteaners and defenders of the presbyteriall discipline; inveygheth against them, nameth Mr Knox, Mr Buchanan, and others of the Kirk of Scotland; wisheth all suche to be removed from the king, that his throne may be established. Mr James Melvill, greeved to heare the servants of God charged with treasoun and lese majestie, and the truthe of God suppressed, sent to him the day following a letter, wherin he admonished him gentlie. But, instead of answere, he sent his letter to Scotland, and gave out, that he denied the king's supremacie. When the Erle of Dumbar, accompanied

with Mr Johne Spotswod, Bishop of Glasgow, and Mr Gawin Hammiltoun, Bishop of Galloway, went up to court, and had stayed at Newcastell foure dayes, Mr James seing no appearance that Dumbar was to call for him, and hearing that the two bishops had gottin his letter, and purposed to incense the king with it, wrote to the Erle of Dumbar this letter following:—

MR J. MELVILL'S LETTER TO THE ERLE OF DUMBAR.

"Please your Honour:—That having attended calling for me three dayes, and now perceaving your honour to be readie to take journey, I could not conteane from breaking off patience, and importuning of your honour a little, which being so good a justicer to all, will not, I am certane, denie a small portioun therof to an old poore freind. I have patience, I thanke God, and it were to suffer the death; but to be first publictlie in so great and honourable an audience traduced and inveyghed upon, with all of my opinioun (which is the truthe of God, as I believe) as a tratour and schismatick; and when I sought to mitigat my sore some what with a sincere brotherlie faire admonitioun, by a closed and signed missive delivered in his owne hand, in place of anie sort of answere, to be delated by his (for by none ellis it could be) to your honour, and yitt I never called nor heard, it is more greevous than death, and, therefore, intolerable, and out of all patience.

"My petitioun, then, at your honour's hands, is to be heard, for in my knowledge and conscience, I have not offended in anie sort against the state, or your Lordship's most honourable imployment or persoun. And why then sould I thus be rejected? Truelie, till I heare your honour's owne mouthe, I nather can nor will beleeve it, in respect of the long experience I have of your goodnesse, wisdom, equitie, and freindship.

"Thus humblie craving pardoun for my impatient importunitie, expecting suche good answere as your honour is accustomed in all suche good causes, and myself have speciall good prooffe of; I rest, committing alwise your honour to God's gracious blessing, governement, and protectioun."

CONFERENCE BETWEENE MR J. MELVILL, THE ERLE OF DUMBAR, AND THE BISHOP OF GLASGOW.

Immediatlie before he mounted on horsebacke, he sent for Mr James; and when he came, went to his bed-chamber, and sitting in his chaire of honour, beganne to speeke to Mr James. Skarse had he ended a full period, when the Bishop of Glasgow cometh in verie sawcilie, uncalled for. Dumbar continued in his speeche, saying, he woundered at Mr James his wisdom, that the king would be als offended at him as he was at his uncle Mr Andrew; and that he sould be called South, etc. Mr James answered, and reported the whole proceedings betwixt Mr Mortoun and him. The Bishop of Glasgow compleaned to the erle, in Mr Mortoun's name, that he had spokin against the Bishops, and order of the Kirk of England, and speciallie the Bishop of Durhame; and that his sonnes had spokin against the Bishops of Scotland. Mr James answered, "These tales are but forgereis: my two yeeres schooling in England might have taught me to be wiser than to speeke against the persons of anie man." As for his sonnes, this is the first tyme that he heard anie complaint of them, etc. In end, the bishop protested great favour to Mr James, acknowledging him to have beene his maister. He will him to request my lord, that his letter be not delivered to the king. Mr James answered, "Let my lord use his owne wisdom in that mater; for he had the copie of the letter, which would answere for itself; unlesse he, and suche as he stirred up the king, there was nothing in the letter to offend his Majestie, but rather that which deserved thankes, becaus it tended to the furtherance of the unioun. The bishop said, he knew the king would be offended that he gave him no more place in the kirk, but to be *ex sanctis fratribus unus*, for the king thought he had a high place. Mr James answered, "I gave the king als muche as anie divine or theologue that ever I read, or as anie of the learned in England that have writtin in that mater; and wishe that yee, and suche as yee, putt not the king in opinioun of

farther than God hath givin him, for they were his Majestie's greatest enemeis that did so. With this, the erle saying, Mr James would be sent for, went to the doore; and the bishop turning him from Mr James, followed the erle. And so Mr James was left alone to thinke upon his letter.

In the beginning of September, the Duke of Wirtenburg, a prince in Germanie, a young man of comelie behaviour, accompanied with twentie-foure in traine, came to see the countrie. He was convoyed from place to place by noblemen, by the king's directioun, and weill interteaned. His traine were all clothed in blacke.

MR A. MELVILL'S LETTER TO A FREIND.

Upon the fourth of September, Mr Andrew Melvill wrote this letter following, in the Towre of London, and sent it to a freind in Scotland, who had beene steadable to him in his trouble:—

"Grace and peace in the Lord be with you for salutatioun. The sweet-smelling sacrifice of your voluntarie oblatioun, as it has breached the heaven, and returned acceptable and pleasant to the throne of grace from whence it proceeded; even so, the smell therof is come hitherward, and has made an opin passage unto itself, from the exteriour senses to the inward man, careing your zealous charitie to the ardent affectioun of a thankefull heart, wanting nothing but moyen to make some worthie correspondence in effect. Thus unfainedlie in the bowells of Christ Jesus, whose love has overrulled your tender affectioun toward me in his caus, a sure demonstratioun of your strong faith, and steadfast hope, looking for that recompence of reward which the fleshlie eyes have not seene, nather can see; you have brokin your bread upon the waters, and sowin your seede notwithstanding the stormie seasoun; wherin, nevertheless, I have felt nothing hitherto but faire and pleasant weather, keeping both soule and bodie in a cheerefull dispositioun, (suche is the bountifull grace of our mercifull heavenlie Father toward me, in this valley of miserie, and shadow of death,) so that

nothing is come against my heart to trouble me, but the afflictioun of the brethrein, and bearing doun of the caus, by the ignorance of some, and craft of others; for charitie will not suffer me to suspect malice in anie.

"Deere brother, I must confesse unto you, as it is, indeid, that miraculouslie above all expectatioun, the Lord has upholdin and underpropped my weaknesse, that nather wearinesse in bodie, nor faintnesse in soule, has assailed me unto this day; but, in an wholesome bodie, I have alwayes caried an inward peace of conscience, with great cheerefulnesse in spirit; being conforted by experience of perfytting the promises made unto us in the Word of that Prince of Glorie, and God of all consolatioun, yea, even feeling the same most sweetlie watering my barren soule with drops of grace from above, in suche sort, that I darre not conceale from you the wayes of the Lord, in his incomprehensible mercie toward suche a poore wretch as I am. Wherefore, I lay my compt at his good pleasure, to be drawin yitt heere on the stage, to play a duetifull part in bearing witnesse to the veritie, and to proclame that which the spirit that has possessed the worldlings cannot weill beare with; not in presumptioun of anie strength or worthinesse in myself, miserable sinner, but in the assurance of him who has made the promise; whose secreit workings have prevented my wishe; at certane tymes giving me forewarning in a part, of that wherin he was to employ me; wherof I thanke him, bowing the knees of my heart before the throne of grace, and begging, daylie and hourelie, mercie, grace, and thankefulnesse, with constancie and perseverance, to serve and glorifie him unto the end, and in the end. Amen.

"This I powre in your bosome, as conferring with him, whom I embrace as my owne self in the Lord, to be communicated in part or whole, at your discretioun, to suche as yee know will thanke God unfainedlie therefore; unto whom, as my deere freinds and beloved brethrein in Christ, I present my loving commendatiouns one by one, as if I had named everie one in speciall, (which at this tyme were to me impossible,) brethrein and sisters, east, west, south, and north, in burgh or to landwart; universitie,

colledge, presbyterie, gentle, simple, all true Christians, whom I love with inteere affectioun, as alwayes see with the eyes of faith, commending them in my prayers to the grace of God in Christ Jesus.

"Your Brother, whom I know yee love in Christ.

"The 4th of September."

MR W. SCOT'S LETTER TO MR J. MELVILL.

Mr William Scot, minister at Cowper, after that he understood what Mr Mortoun, Vicar of Newcastell, had done to Mr James Melvill, he sent to him this letter following:—

"MY LOVING AND DEERE FATHER,—I receaved your letter. I thanke the Lord of your health and courage, and hope that he sall honour himself, and save his owne from Satan's rage, in false and seditious men called brethrein, but unworthie to be named men: fy upon their treacherous, mercilesse hearts! Whatever be the part of that preacher to please men, it is a Christian duetie to admonish; and I am assured, the Lord sall be with you, chance what may chance. His counsell directed, and watcheth over the wayes of his owne. It is weill said, '*Quod forte aliquem errantem in populo, dominus per nostram oblivionem et errorem doceri et curari voluerit, in cujus manu sunt et nos, et sermones nostri.*' I trust in God, yee sall not repent the writting of that letter, nor yitt your old letters. Ephraim will shew of things heere. I beseeke you for your advice at lenth, concerning the conference; for if the place be in England, peace is not sought for: you know how hard it is to reasoun or to propone to the king's Majestie's discontentment there. If we refuse, as Athanasius did, when the emperour called him to the councell of Cæsarea, although we have his excuse, viz., '*Videmus nos ad infesta adversariorum odia venturos esse;*' or if we remaine at home, as Chrysostome did, when Arcadius the emperour desired him to a councell of the Arrians, by foure letters, it is easie to conjecture what will be our doome, and the brute of our caus; or if we goe, what sall be the event of our meeting.

Undique angustiæ. However the mater be, we are drawin out. The judgement and authoritie of our owne kirk, other kirks, learned men, and the Scriptures, concerning the points called in controversie. I have a great want of a letter writtin by the Commissioners of the Generall Assemblie, that mett in Edinburgh *anno* 1596, wherin they shew that the discipline would be putt at, and desire us to studie it, for my weake opinioun. I see no better than that the cleering of this caus be readie to publishe. The Lord strenthen us, to give a faithfull testimonie to the truthe, for Satan does muche evill in ignorance, and craft of men. As yee thinke meete, yee will write and send informatioun.

"Your verie Sonne at power,

"MR WILLIAM SCOT."

MR J. CARMICHAEL'S LETTER TO MR J. MELVILL.

About the same tyme, Mr Johne Carmichael, another of the brethrein appointed for the conference, sent this letter following to Mr James Melvill:—

"RIGHT REVEREND AND MY DEERE FATHER, &c.,—I cannot thinke that your letter can procure anie hurt to you, by anie law under heaven; a secreit letter, in maters of judgement concerning our calling, &c. What if there were interchange of letters betuixt Papists and Protestants, by familiar conference and reasoning? But I grant, it is neither law nor reasoun that ruleth these ambitious men, that seeke but occasiouns to vent their owne malice against us; yitt he that walkes uprightlie, walketh boldlie: *Qui sequuntur itinera tortuosa, amandet Deus ad operarios iniquitatis.* The Lord is our strong God, the rock of our refuge, the God of all knowledge, by whom all interprises are established. Concerning our conference to be, who cannot be more affrayed for us than we are for ourselves? The Lord keepe us from doing harme to his kirk, for little good can we doe at this tyme. For my owne part, I am searching by all meanes satisfactioun in the truthe of God, to rest my owne conscience, and with all, to give the reasons of my

faith unto others. I desire, if I could, to be prepared for the worst of all; and I hope in short tyme to give contentment to some anent these purposes, especiallie in the points that are most triumphed in by our adversareis, and these reasouns which they call unanswerable. I lament the weakenesse and ignorance of manie. The more I searche, the more I am confirmed in the truthe, and thinke, by God's grace, to helpe to confirme others, according to the poore measure of my gift. If we stand in our statioun when our Lord cometh, we will heare, *Euge, serve bone!* O sweete consolatioun, in the midds of the contempt and disgrace of this tyme! As I have no will to runne before my guide in this truthe, so I pray, that I may take on the yoke, and draw in his crosse, when he calleth. Our way is consecrated by afflictiouns. Our High Preest is full of compassioun to regarde our weakenesse. My soule manie tymes findeth so manie doun casts in the sense of my unthankefulnesse, that outward crosses are of the lesse value to my conscience. If the light of God's sweete countenance shyne to us, nothing can discourage us to beare us doun; but if he be absent, the smallest tentatioun will overwhelme us. Yitt his love is constant and endlesse. Behold, I cannot end when I beginne to prattle with you, though I thought two lynes sould have presentlie sufficed. The all-sufficient grace of God be with you.

"Your owne Sonne in Christ's love,

"J. CARMICHAEL."

MATTHÆUS TORTUS SPYTEFULL AGAINST THE KING.

The yeere preceeding, 1607, the king perceaving that the two breeves of Pope Paulus V., and Cardinall Bellarmine's letter to the archpreest Blackwell, was like to draw the Papists from his obedience, thought meete to publishe a booke against them, which he did, bearing this title, "*Triplici nodo triplex cuneus;* or an Apologie for the Oath of Allegiance, against the two Breeves of Pope Paulus V., and the late Letter of Cardinall Bellermine to Blackwell the Archpreest." Within halfe a yeere after was sett

furth an answere, under the name of Matthæus Tortus; but Bellermine himself was the right author. In this booke, the author is verie spytefull against the king. He calleth him a leer, calumniator, an impudent man; compareth him to Julian; that when he was in Scotland, he was a Puritan, and an enemie to the Protestants, and now in England, he is a Protestant, and an enemie to the Puritans: that his purpose is to oppresse both Papists and Puritans. But the passages which galled the king most were these: "Denique, Clemens VIII., duo brevia, anno 1600, tribus annis ante obitum reginæ, ad catholicos misit, unum ad clerum, alterum ad populum, quibus brevibus non ut iste mentitur Jacobum, tunc Scotiæ regem, a solio exclusit, sed consilium dedit quale dare decebat summum pontificem videlicet, ut catholici operam darent quantum in ipsis est, ut rex ad religionem catholicam bene affectus eligeretur. Habemus enim exemplaria brevium illorum in manibus et iis diligentur inspectis; nusquam invenimus nomen Jacobi Regis, aut alterius particularis personæ, sed solum generatim ut diximus cohortationem, ad regem orthodoxum et pium constituendum. Quibus verbis non solum Jacobus Scotiæ rex non excludebatur, sed includebatur potius, quoniam ministri ejus maximam spem fecerunt, eum non abhorrere a fide catholica suscipienda, præsertim cum rex ipse ad pontificem ipsum, nec non ad Cardinales Aldobrandinum et Bellerminum, literas scripsisset, plenas humanitatis, quibus præter cætera, petebat ut aliquis egente Scotorum Cardinalis S. R. E. crearetur, ut haberet Romæ, per quem facilius et tutius cum pontifice negotia sua tractaret." And in another place, "Supra respondi duo brevia pontificis Clementis VIII., anno 1600 ad catholicos Anglos directa fuisse, quibus sine ullius certæ personæ designatione, admonibantur ut quoad possent, juvarent et vir catholicus regno illo prope diem vacaturo potiretur." Quo consilio nullum aliud a pontifice maximo cui catholicæ ecclesiæ cura potissimum incumbit, magis christianum magis pium et utile dare potuit. Quod si hac generali admonitione Jacobus excludebatur, ipse erat in causa, qui spem non obscure datum pontifici fallere volebat, vel certe ejus ad ministros reprehendi debent, qui magis adhuc aperte Jacobum tunc Scotiæ regem, adepto Angli-

cano regno, catholicum futurum promittebant." The meaning of these two passages, that some of the king's officers of estate putt the Pope and the Cardinalls in hope that the king would professe himself a Catholick, when he cometh to the crowne of England, and that the king himself had writtin letters full of courtesie to the Cardinalls Aldobrandinus and Bellermine, wherin he craved, that some of the Scotish natioun might be made a cardinall, that by him, as an agent, he may the more easilie and more safelie doe his bussinesse with the Pope. To cleere the king of these imputatiouns, there was great bussinesse at the Assemblie holdin last at Linlithquo, taiking order with Papists, and a supplicatioun sent to the king, for restoring the banished, imprisonned, and confynned ministers, howbeit, under these pretexts, the king and the bishops were seeking vantages to advance their course. But this was not sufficient. The burthein of these letters writtin to the court of Rome must ly upon Secretar Elphinstoun.

THE SECRETAR'S TRYELL IN ENGLAND.

About the end of September, Sir James Elphinstoun, Laird of Balmarinoth, principall secretarie to the king in Scotland, and President of the Colledge of Justice, tooke journey to court, being writtin for by the king, but not understanding for what caus. When he came to Royston, he was accused of dealing with the Pope, and writting to him and his cardinalls; wherupon hath rissin slander upon his Majestie, and devilish attemptats of the Papists, enraged becaus they found themselves disappointed of the great expectatioun they had, that the king would become a Catholick. The letters writtin by him to the Pope in the king's name, and the instructiouns givin to Sir Edward Drummond, we have alreadie sett doun in the owne place, (Vol. V., p. 740.) The rest of this particular historie we have heere sett doun, as he hath recorded it himself.

"This letter and instructiouns writtin by Sir Edward Drummond, with the rest of that dispatche, I presented it unto his Majestie, shewing it was Drummond's dispatche for the Bishop of

Vaizon. So all the letters were signed, without asking to whom they were directed; closed, and sent to the Archbishop of Glasgow, to be directed at his discretioun. So Sir Edward receaved them, not in Scotland, but they were sent in Monsieur Bethun's packet, least otherwise they might be intercepted. It may be easilie considered how necessar this service was for his Majestie, as maters then went, there being small hope of England's favour, Essex being in his triumphe, and Valentine Thomas his processe at that verie tyme in deducing in his Majestie's prejudice, to disable him in his clame to the crowne; and what respect could I have had then, other than my faithfull duetie? for it proving as it did verie profitable for his Majestie, in suche sort, as by directioun from Rome, all the Catholicks in England prepared themselves in armes and horses for maintenance of his Majestie's title, and at Rome, the Spanish courses were crossed, it was reputed by them that trulie loved his Majestie, the best service that ever was done him in that kinde. Lyke as Sir James Lindseye's imployment followed after it, and speciall dealing with divers Catholicks of England, wherewith the greatest guiders of England being terrified, and Essex taikin out of the way, the Erle of Salisburie, then Sir Robert Cecill, Lord Harie Howart, now Erle of Southampton, sought meanes to his Majestie. By Catholicks, they sought meanes to his Majestie, and they were then the surest that his Majestie had there, lyke as his Majestie in his first speeche in the parliament hous extant in print; and a printed proclamatioun under his Majestie's hand did not dissemble, how farre, as a prince, he was bound to Pope Clement; what great loyaltie and affectioun he had found in Catholicks, and ever whill that detestable powder treasoun, (abominable in God's sight, and detestable and damnable to be remembered, and recorded by all memorie,) his Majestie continued not farre from that same minde, whill the policie of some curious heads, fearing least his Majestie sould have looked more narrowlie in his owne estate and their actiouns, and knowing his inclinatioun to be tickle in these points of religioun, sett him on worke to that '*Triplici nodo triplex cuneus*,' which procured that answere of Tortus, Bellermin's chaplaine,

unknowne as I am crediblie informed to Bellermine, and not unknowne to some statesmen there, to exasperate his Majestie, not onlie against the court of Rome, and his owne subjects in England, but to vouchsafe this charitie upon me, against whom their malice, although not deserved for anie particular of my owne, is weill eneugh knowne. Their malicious intentioun thus founded, was weill secunded by the malice of my enemeis at home, the insolencie of some of the bishops, and ambitioun of one of whom I had deserved better. The platt is secreitlie contrived, that I sall be brought to a confessioun of it, his Majestie to disavow it, and consequentlie, my undoing.

"There came never anie thing of this to my knowledge, before I came to St Albans, in the beginning of October 1608, the verie night before I come to Royston to his Majestie. The advertisement that I had was, that I had procured letters unknowne to his Majestie, under his hand, to the Pope, wherin he had promised, that how soone he sould come to the crowne of England, he sould ather declare himself Catholick, or at the least, he sould grant toleratioun to all Catholicks within his dominiouns; and had procured to make the Bishop of Vaizon a cardinall. The last part, becaus it was true, I thought it not to be denied. But the first, which was alluterlie false, I refused. At my coming to Roystoun, Sir Alexander Hay (in whom I reposed als great trust as in myself, having formerlie perswaded me most traterouslie, that his course of accepting to be secund secretarie, which at first I dislyked, was a plott of my enemeis to his prejudice and myne both; and so, had perswaded my most assured and worthie freind, Mr Thomas Murrey, of his Highnesse affectioun to me, which I did over credulouslie beleeve) comming to me, I compleaned, that I was wronged, in so much as I had not gottin more tymous wairning of the calumneis, and his Majestie's discontentment against me; excused himself, that he had sent me a packet, but that I had missed it by the way; that it was a mater that I needed not to care for, seing his Majestie desired no more but to know the truthe, and would not be discontent, if in the point of his reli-

gioun he was not engadged. So I confessed the simple truthe. He in the meane while had his doing unknowne to me, with the Bishop of Glasgow, who incensed his Majestie, that so long as I was officer, their state could not be raised; and having assayed manie other meanes to disgrace me, could effectuat nothing, having the authoritie of the greatest there to concurre to my overthrow. They did so dispose his Majestie, as without anie show of discontentment, he asked of me Sir Edward Drummond's dispatche, and speciallie of that letter to the Pope. I could not denie that which was weill knowne to his Majestie, and that which was conteaned in Tortus' booke was not farre different from the truthe. For the words are, '*Quid etiam*, (speeking of his Majestie,) *literas humanitatis et officii plenas scripsit ad Pontificem Maximum, quibus, præter cætera, rogavit ut ex suis subditis aliquis cardinalis* S. R. E. *crearetur*.' But his Majestie's promises of conformitie or toleratioun of religioun are not ascribed to my letter, but to promises of some of the ministers. Nixt, his Majestie asked if ever he had consented to call the Pope his father. I granted, that he still refused, and in that I had presumed, for the good of his Majestie's service, after his Majestie had subscribed the letter, to caus Sir Edward add the Pope's ordinarie stiles; wherin, if his Majestie conceaved anie offence, I was to crave his Majestie's pardoun, to be disavowed in that, and to cleere his Majestie, so farre as anie would tuiche him therewith.

"This past in Roystoun, on Sunday in the morning, before sermoun, betuixt his Majestie and me privatlie, in his withdrawing chamber. Sir Alexander Hay, who had still his practises with the Bishop of Glasgow, having learned of his Majestie how farre I had confessed, advised his Majestie that my confessioun sould be reiterated in the hearing of some others; and to the end that I sould not suspect their intentioun, at my secund examinatioun, none was present but Sir Alexander Hay, whom yitt (as God judge me) I trusted as myself. There I confessed before his Majestie as before, that his Majestie ever disassented to yeeld the Pope anie stiles; and that at the subscribing of the Pope's letter, I acquainted him

farther, but generallie, that it was Sir Edward Drummond's dispatche anent the Bishop of Vaizon; that I caused Sir Edward adde the styles, and for that, upon my knees, most humblie I craved his Majestie's pardoun. Then by his Majestie's countenance, and some rounding that past betuixt his Majestie and Sir Alexander Hay, I beganne to be in some suspicioun. The king commanded me I sould repaire to Londoun, remaine there whill I knew his pleasure, and in no cace to repaire to the queen's court. Immediatlie Sir Alexander Hay and the Bishops of Glasgow and Galloway conferred with the king anent my confessioun, and were discontent that I had not presentlie sett it doun under my hand. Yitt fearing least I sould have suspected their policie, they would not then urge me anie farther.

"The nixt Moonday I raid to Londoun. Sir Alexander Hay and the said bishops raid before me, and Sir Alexander went to my Lord of Salisburie, acquainted him with all that was past. Then begunne I to suspect the course, and to repent me I had gone so farre. I sent to the Erle of Salisburie, desired I might have an assignatioun to come to him; who did returne me answere, that he was advertised of his Majestie, that I was commanded to keepe my hous, and so it was not fitt I sould come to him. Thus did I mistake his Majestie's command; for in that I was forbidden to repaire to the queene, then lying at Hampton Court, I thought all other places within Londoun were free to me, lyke as I went to Lambeth to the Archbishop of Canterburie, and to Whitehall to the Erle of Dumbar, the said Sir Alexander alwayes in companie with me, never giving me anie notice of his Majestie's pleasure to the contrare, whill I had it from the Erle of Salisburie, of purpose, as I have since found it, to exasperat his Majestie as a contempt not ordinarie there, where his Majestie's commands are verie ceremoniouslie obeyed. But as God sall judge me, I never heard anie other command from his Majestie, but to attend his Majestie's pleasure at Londoun, and not to repaire to her Majestie's court.

"Wednisday therafter, Sir Alexander Hay having repaired to his Majestie, comes with a note under his Majestie's hand, command-

ing me, that I sould sett doun in writt the passing of that letter to the Pope, and the circumstances, so farre as I could remember. Beginning then to apprehend the bussinesse, and having gottin wairning of his Majestie's displeasure, and the advantage my enemeis presumed they had gottin, I became more spairing, and by my letters to his Majestie, desired that I might be excused; that I could not sett doun the particulars of that under my hand, after so long a tyme, except that ather I was in Scotland, where my papers might bring me to remembrie, or that I had mett with Sir Edward Drummond; begging his Majestie's patience, whill I might send for him, which I offered to doe with convenient speed, who sould bring with him the just copie of that negotiatioun, and sould give his Majestie and all the world satisfactioun of the truthe. But that was not intended, but, contrare to the truthe, to big upon me an unjust imputatioun, wherof the productioun of the letter would have made me cleere."

THE COPIE OF THE LETTER SENT TO HIS MAJESTIE THE 12TH OF OCTOBER.

"'PLEASE YOUR MOST SACRED MAJESTIE,

"'In these particular points your Majestie did demand of me, so farre as I can remember, I answere for your Majestie's satisfactioun, that your Majestie (of my knowledge) did never command or direct anie letter to be writtin to the Pope; nather was I present when Sir Edward Drummond moved your Majestie for anie suche letter: that your Majestie did never style yourself '*Filius*,' in anie letter, but to your mother-in-law, the Queene of Denmarke; that your Majestie did never write 'Father' or 'Holinesse' to anie. As to the letter writtin by your Majestie to Pope Clement, although I do remember that there was some suche letter, conteaning nothing but a recommendatioun of the Bishop of Vaizon, I humblie crave your Majestie's pardoun, if I can make no declaratioun how it was past, whill Sir Edward Drummond, who was the author, bearer, and procurer therof, be first exa-

mined, whom I am about presentlie, with your Majestie's permissioun, to send for, by whom the whole circumstances of that mater sall be cleerlie detected. For I protest before God, for the present, I cannot perfytelie remember how that mater was past; most humblie craving your Most Sacred Majestie, (since I am most willing for yous Majestie's obedience to cleere your Majestie of that before all the world,) that in remembrance of my loving and affectioned humble service, yee will be pleased to accord me the tyme and meanes whereby the veritie of my part in all that mater may be manifested; which as I doe expect out of your Majestie's princelie accustomed clemencie, so sall I ever pray, etc.'"

COPIE OF THE LETTER TO HIS MAJESTIE THE 15TH OF OCTOBER 1608.

"'I doe remember, that I moved his Majestie diverse tymes to have writtin to the Pope, both to have taikin notice of his kindnesse, and to have recommended the Bishop of Vaizon; and that his Majestie did refuse, onlie for that he could not with safe conscience yeeld him the titles of Father and Holinesse, which he did assume; but if otherwise the Pope would have accepted his Majestie's letters, with the titles of other temporall princes, he would have writtin to him. As to the circumstances of passing of that letter, I protest before God, I cannot call them to my memorie, but by conference with Sir Edward Drummond, and with suche as served me at that tyme; and with suche other adminicles as I will finde in my owne papers, I hope I sall give his Majestie satisfactioun.'

"His Majestie not content to admitt my delayes, remembring the circumstances of that negotiatioun better than I, he setteth doun a number of interrogatiouns under his hand, with a letter to the counsell of England, commanding them to examine me. Being brought before them, at first I declyne their judgement, till they declared that they would not take upon them to judge me, but following his Majestie's commandement to examine me, and re-

mitt me to my ordinarie judge. In end, to all the particulars, I answered in suche sort, that they could not mend themselves, nor bring me in compasse of anie law, the Erle of Dumbar, the Lord Skoone, and Sir Alexander Hay, being present.

"Therafter, his Majestie being discontented of my unwillingnesse to cleere him, and to burthein myself with the fault, yea, to take upon me some points, (which his Majestie affirmed he remembred,) which in truthe I could not call to my memorie, the Erle of Dumbar directed the Lord Burlie to me, a verie favourable and fast nobleman, and who had, immediatlie before the Erle of Dumbar's parting out of Scotland, renewed a freindship betuixt him and me, which was the greatest caus of my repaire to court; that it might be confirmed there before the queen's Majestie, and his Majestie satisfied by the said erle's meanes of whatsoever hard opinioun he had conceaved ather against the chancellor or me by suggestioun of the bishops. His credit from the Erle of Dumbar was, to advise me for my owne good, since it was confessed by me that suche a letter was purchassed, and that his Majestie had denyed it; that rather er the imputatioun sould ly upon his Majestie, I sould take it upon me. When I obtended the perrell of my estat, his Majestie's discontentment, and their malice, the Lord Burley gave me this assurance, that my life, estat, nor Hopar's reversioun, sould be in no danger. As to my offices, to leave them to his Majestie's dispositioun, whether he would take them from me or not. I, finding manie enemeis there, and being straitlie keeped, I enter by the Lord Burleye's meanes (who from the beginning has ever keeped an honest part to me) in a more particular freindship with the Erle of Dumbar. And becaus the Lord of Skoone and Sir William Hart had diverse tymes travelled with me, to have maried one of the Erle of Dumbar's sister-daughters, I was contens to give him my eldest sonne, to be disposed upon in mariage at his pleasure, to give him the palace and parke of Halyrudhous; and if he desired Restalrig, he sould have it for the price I bought it. These conditiouns, as the Lord Burlie told me, pleased him, and so he would take upon him my protectioun if I would follow his advice; which

I was content to doe, knowing what power he had, and how easie it was to him to calme all stormes; alwise desiring him to carie his affectioun to me so secreitlie, as the bishops, Sir Alexander Hay, the Erle of Wigtoun, and others my small freinds, sould know nothing of it. He was so diligentlie alwayes attended by some of these, that after he had appointed me diverse meetings he could never meete with me. Alwise, he assured me, whatever the Lord Burlie sould say in his name, I might trust it, and he would performe the same; and heerupon I desire my freinds to inquire the Lord Burlie if this assurance was not givin me by the Erle of Dumbar, that my life, my estat, and Hopar's reversioun, sould be sure? As for my offices, they sould rest in his Majestie's dispositioun, and it might be I would not want them.

"The Erle of Dumbar thus entered in conditiouns with me, and the Lord Burlie putt in trust for him and me both, for all conditiouns on both parts, his first directioun was, that I sould write a letter to him, desiring that he sould conveene the Erles of Salisburie, Northamptoun, and Suffolke, before whom I sould grant all the king's articles; and therafter write a letter to his Majestie to the same effect. He willed me to use these three noblemen to strenthen his credit, that they being ingadged to be my freinds, he might the more easilie worke that he had undertaikin; and all the saids noblemen promised upon their honours that they sould be my freinds, and would joyne with the Erle of Dumbar to satisfie his Majestie; all which I performed. Then was I delivered in the Erle of Dumbar's keeping, who promised, that I sould alwayes be his prisoner, and at my returning to Scotland, I sould be wairded in the castell of St Andrewes. By his advice I wrote a becomming in his Majestie's will, which the Lord Burlie gave him. He returned me answere with him, that his Majestie was weill pleased with it, and all would goe weill; onlie I was desired to adde this, that I would renew the same judiciallie when I sould be required, which I did."

THE COPIE OF THE LETTER TO HIS MAJESTIE THE 24TH OF OCTOBER 1608.*

"'MOST GRACIOUS AND DREAD SOVERANE,

"'It is over great presumptioun to offer to your most princelie eyes these lynes from the hands which have so highlie offended your most sacred Majestie. But becaus it was continuance in my offence to labour to obscure the cleere soule of your Majestie's unspotted integritie, and that the imputatioun of my misdemeanour, which I most justlie deserve, may ly upon myself, and your Majestie's innocencie cleered to all the world, I have truelie sett doun heerin, how that letter to Pope Clement, wherewith your Majestie is falselie taxed, was without your knowledge past your hand amongst other letters which I did present to your Majestie, by the abuse of your Majestie's trust, wherof I was not worthie, in the yeere of God 1598, at the earnest sute of the late Archbishop of Glasgow, your Majestie's ambassader, resident then in France, the Bishop of Vaizon, and diverse others your Majestie's weill affected freinds and servants both in Italie and France, who were verie earnest to have had some correspondence betuixt your Majestie and the Pope. Sir Edward Drummond being directed by them in Scotland to follow that bussinesse, I presumed diverse tymes to move your Majestie therin, and did offer to your Majestie the frame of suche a letter as I would have signed by your Majestie to the Pope; wherunto I ever found your Majestie so unwilling, as your Majestie did altogether refuse to write, denying ever to write anie letter with these styles which the Pope did assume to himself. But I being in my too great zeale, and assured hopes were givin me by greater statesmen nor myself of the benefite would come to the strenthening of your Majestie's title by the Pope's freindship; overcome with weakenesse, and presuming that the good successe of my true intentioun sould efface the memorie of my offence, I caused draw up a letter with the said Sir Edward's hand, as from your Majestie to the Pope, but verie spairinglie,

onlie conteaning thankes for his kindenesse and bygane favour, with recommendatioun of the Bishop of Vaizon, your Majestie's native borne subject, to be made a cardinall. To the which letter, among others of that kinde writtin to the Dukes of Florence, Savoy, and some cardinalls, in favours of the said bishop, (all presented by me unto your Majestie one day in the morning, when your Majestie was going a hunting in haste,) your Majestie did sett your hand. For your Majestie finding the letters all in Latine, and the Bishop of Vaizon's recommendatioun the subject, and having formerlie refused to write to the Pope, did nothing suspect that anie suche sould have beene offered to your hand; and after your Majestie had signed it, Sir Edward Drummond did adde the Pope's stiles, both in the beginning and above your Majestie's subscriptioun in the end of it. Some letters, two or three as I remember, signed by your Majestie to some cardinalls, conteaning nothing but thanks and recommendatiouns of the said bishop, were givin to the said Sir Edward closse caschetted, to be directed by the Bishop of Glasgow's advice, to suche of them as were in his judgement best affected to your Majestie. And as I did heare after, two of them were givin to Aldobrandini and Bellarmine, and the thrid to Cajetan, who was protectour of the Scotish natioun.

"'Heere was my first fault of preposterous zeale, weakenesse, and presumptioun. My nixt was, feare of your Majestie's displeasure, becaus the late queen's ambassader having expostulated for your Majestie dealing with the Pope, and I being asked therof by your Majestie, I did pertinaciouslie denie that there was anie suche mater; and for your Majestie's better satisfactioun, I moved Sir Edward Drummond to returne into Scotland; who being examined, did at my desire justifie my denyall, and that he had caried no letter for the Pope. I pressed him verie instantlie at his returning to Rome, to labour to retire the said letter, and to destroy it, fearing least the knowledge of it heerafter might breed your Majestie discontentment, as it has done at this tyme, to my exceeding great sorrow. And becaus my attestatioun in this kinde, which I protest before God and his angells is true, and yitt will not be a sufficient

liberatioun of your princelie honour, which is deerer to me than my life, I am not heereby to beg anie pardoun, but that your Majestie, in your most rare and princelie wisdom, will take suche course, but anie respect unto me, whereby your Majestie's innocencie and my offence may be made knowne to the world. And so, in all humilitie attending, to suffer what your Majestie will impose, and to obey whatsoever your Majestie will be pleased to command, I pray God grant your sacred Majestie, according to the sinceritie of your heart, a true and just constructioun of all your actiouns before all the world; and after a long and most prosperous raigne, eternall felicitie."

COPIE OF MY BECOMMING IN WILL, 3 NOVEMBRIS 1608.

"'PLEASE YOUR MOST GRATIOUS AND SACRED MAJESTIE,

"'At the verie first, I did ingenuouslie confesse my offence, and have particularlie sett doun under my hand the whole circumstances of it; as likewise, answering to the severall interrogatours wherupon I was examined, I have in everie point declared the veritie; so still continuing desirous that your Majestie's honour sould be free of anie suche imputatioun, and my offence without anie longer delay knowne to the world, doe by these presents, in all humilitie, freelie and absolutelie submitt myself, and become in your Majestie's will. That since onlie against your Majestie my offence is committed, so your Majestie will irrogat unto me suche punishment, as in your true justice and princelie clemencie I have deserved. And this my becomming in will, renew or reiterat, in judgement or without, so oft as I sall be required.'

"After this, the Erle of Salisburie caused to be drawn up upon his Majestie's interrogatours and my answeres, a forme of a depositioun, making everie particular deid to be treasoun. That I had tratorouslie conspired with Sir Edward Drummond to deceave the king, and steale his hand to a letter to the Pope: that I had tratorouslie caused putt the cashett to it; and that I had commanded Sir Edward Drummond, above the king's subscriptioun,

to write '*Sanctitatis V. obsequentissimus filius*' so like the king's hand as could be, and so I had made him falselie to counterfoote the king's hand.

"This depositioun being offered to me to subscribe, I refused the first part, becaus it made that to be treasoun and treasonable which was not, since the letter conteaned nothing but mere compliments, and a recommendatioun of a Scotishman to be a cardinall, and that an officer's trust was greater than to procure a commoun recommendatioun; and the putting of the caschett to it was lesse treasonable, seing by that letter his Majestie's honour, nor state, nor religioun, was not harmed, nor no damage nor inconvenient had followed upon it. The last part was directlie *crimen falsi;* and as I had not deponed it, so it was not true.

"At this meeting were present the Chanceller of England, Salisburie, Northamptoun, Suffolke, my Lord Duke of Lennox, the Erle of Dumbar, Sir Thomas Smith, Clerk of the Counsell, and Sir Alexander Hay.

"My answere to the last, the chanceller granted to be true, and that it was but a mistaiking. And so it was mended, and that article deleted, in so farre as it concerned the counterfooting of the king's hand.

"As to the first, my Lord of Salisburie answered me, that what they had sett doun was onlie to give his Majestie satisfactioun, and that it was nothing to me, since his Majestie had accepted me in will, was to deale gratiouslie with me, and not to proceed judiciallie with me anie more, whatever might please his Majestie, and in his Majestie's opinioun give the world satisfactioun, and cleere his honour, since it was not to harme me; it was unfitt I sould refuse to give his Majestie what sould please him, seing it was not to prejudge me.

"And upon this assurance, and the Erle of Dumbar's former declaratioun, that the king had weill accepted of my becomming in will, and that my not subscribing of this depositioun hindered the progresse of the king's answere to Tortus' booke, wherof this depositioun behoved to be a part, I sett my hand to it in presence of the

noblemen and others above writtin, who, I am sure, upon their honours will not denie it. And heerupon I desired my freinds to inquire the Duke of Lennox, the Erle of Dumbar, and Sir Alexander Hay.

"Last, the king's Majestie having concluded to returne me into Scotland, becaus all this mater was caried with a great show, (as was said to his Majestie,) to cleere his honour, but in effect to disgrace me and make me odious, I was brought before the counsell, where not onlie the counsell, all the noblemen both English and Scotish, all the judges were brought, but all the court, so manie as the counsell-chamber could conteane.

"The chanceller declared the caus of that solemne meeting, made my depositioun to be read, and with a long harangue and manie reasouns, did aggravat my offence, to his Majestie's great praise, and in the end, remitted the mater to Scotland, to be judged there.

"Nixt, the Erle of Salisburie had als long a discourse, all to disgrace me, to flatter the king, and to shew his eloquence.

"Thridlie, the Erle of Northumberland, to testifie his zeale as a witnesse, how alien his Majestie was from anie dealing with the Pope, these eighteene yeeres that he had keeped correspondence with his Majestie, damned all my proceedings.

"I had wairning the night before, that I was to be so used, as (the Lord Burlie, who had beene mediator betuixt the Erle of Dumbar and me, being departed to Scotland) I was forced to send for James Bailzie, a verie trustie young man, to whom I am infinitelie bound, and who (nixt my Lord Burlie) was verie privie betuixt the Erle of Dumbar and me; whom I desired to shew his Lordship, that I understood that I was to be brought before the counsell the nixt day, and that they were to raile upon me; that he sould not thinke it evill, if I sould say for my owne defence, that which I would make good, that there was no point which they were to lay against me which I would not answere. He returned James Bailzie to me, with this answere, earnestlie praying me, since that was the last that in that earand was to be done, not for my prejudice, but for his Majestie's honour and satisfactioun,

that I would answere nothing, but in all humilitie acknowledge my offence, cleere and liberat his Majestie, renew my becomming in will, and desire my lords of counsell to be intercessors, that his Majestie would end the processe by his declaratioun. This would be most acceptable to his Majestie, who would be behind a peece of tapestrie; and if I played my owne part right, his Majestie would be best pleased; which I also obeyed.

"The chanceller in counsell produced his Majestie's warrant, declairing his Majestie's will, that I sould be no more one of that bodie. Which declaratioun of his Majestie's will having no convictioun nor warrant, but my becomming in will, was an acceptatioun of it. So, having declared a part of his will, by no law therafter he might have proceeded judiciallie with me.

"Immediatlie after counsell, the Erle of Dumbar sent James Bailzie to me, to give me thankes, and to shew how weill his Majestie was pleased, and that his Majestie would have that in writt which I spake; which also I sett doun. And becaus there were some words his Majestie (as he affirmed) desired to be added, (which he affirmed I spake,) the words writtin with his hand, and brought to me by the said James Bailzie, I insert with my hand, and subscribed, and sent them to him with the said James. And heerupon I desire, if need be, that my freinds may enquire the said James."

"THE SUMME OF THE COUNSELL OF ENGLAND'S PROCEEDINGS ON SUNDAY, THE 13TH OF NOVEMBER 1608.

"The said day, in the afternoone, the whole counsell being conveened in the counsell-chamber, the whole judges, and all the noblemen, both Scotish and English, that were at court, the Lord Chanceller beganne a verie grave speeche, wherin he did earnestlie require audience and attentioun in respect of the great consequence of the mater he was to speeke of: it was so muche the greater, that it was a noveltie wherof he had never heard, nor (to his knowledge) in all his bookes read of anie the like president of before: it was of great consideratioun, becaus it did tuiche the

king's most sacred Majestie and royall persoun, both in his honour and in his safetie, wherin did consist the safetie of the whole estat: the mater was also weightie, in respect of the persoun whom it did concerne; a nobleman of Scotland raised to that state by his Majestie's favour, and a member of that boord. As to the mater, becaus he might perhaps faile in the relating of it, (which he was verie unwilling to doe in a mater of that kinde and weight,) therefore he desired the instrument conteaning the Lord Balmarinoth his confessioun, and signed with his hand, sould be read. The same being read, and acknowledge by the Lord Balmarinoth to be his owne confessioun, then he said to the Lords of the Counsell that he did perceave by their countenances, that they did all looke on that mater as if it were a mater wherin they were to give their sentence and judgement. But he prayed them not to thinke so, and he would releeve them of that burthein; becaus nather were they conveened to that end, nather was the said Lord Balmerinoth brought there to make anie, becaus that mater was transcendant, and of a greater weight than that boord, or anie counsell boord could judge of it. But becaus it was a fact committed in Scotland by a Scotishman, before his Majestie's happie comming to the crowne of England, they would not doe that prejudice to Scotland, that was als ancient and als free a kingdome as they are, so weill governed with so manie grave and ancient noblemen, whose nobilitie is continued and reserved with a farre greater respect and antiquitie nor their owne; so wise a counsell of estat, so learned and grave judges, in all these perfectiouns they were nothing inferiour to them; onlie for the present he would point out, and offer to their considerationns that were present, some heads of that confessioun, what had beene the consequents of that fact, and so remitt it to the owne judgement, and the Lord Balmerinoth to his owne answere, before his owne judge.

"First, he desired that they sould attend the tyme when this letter was writtin, to witt, when his Majestie was in possessioun King of Scotland, in his title, and undoubted royall descent, apparent of England; how this fact might have perrelled him both the one

and the other, if it had beene knowne that his Majestie had had anie dealing with the Pope. For in Scotland, the most of all the nobilitie, gentrie, and whole bodie of the kingdom, being of the religioun they presentlie professe, would not have failed to have made insurrectioun, if they had knowne that his Majestie had anie dealing with the Pope. In England, the late queene, of happie memorie, being a prince verie jealous, and narrow-looking in all his Majestie's actiouns, if she had knowne that his Majestie had had anie course with the Pope, she would have quicklie objected unto his Majestie, that since he was taiking a forraine course to strenthen him, speciallie with these who had so often suted her life, she would likewise take another course for her owne preservatioun; and so might have endangered his Majestie's just clame, lyke as in effect the same dealing comming to her knowledge, she did incontinent send her ambassader, and did most bitterlie expostulat with his Majestie. And the dealing at that tyme was denied, and so smoothered over.

"Nixt, he did mightilie aggredge the great inconveniences that had fallin out, all (as he did affirme) upon the dealing mentiouned in that confessioun. First, That it had givin occasioun of an infinit number of scandalous bookes and pamphlets to be writtin, wherin his Majestie was verie bitterlie taxed; and speciallie, he did there produce Bellermin's late booke, under the subscriptioun, which he did read, of one whose name being Tortus, he did allude therunto, that he was always *tortus*. The parcell he read was the fault found with Pope Clement's breeve, whereby he did command the estats and bodie of this kingdom of England, not to admitt or receave a king, incace of the queen's decease, but a Catholick, and so did exclude his Majestie from his just title. To the which claus conteaned in the booke of '*Triplici nodo triplex cuneus*,' Bellermine makes this answere, that by that breeve the Pope did not meane to exclude the king, becaus the name Jacobus was not mentiouned in it; (and withall, the chanceller did observe in the words he read, that Bellermine did give the author of the booke a lee, in the word *mentitur*;) nather could it be meant of his Majes-

tie, becaus his servants and ministers had givin great hopes to the Pope, that '*Non erat valde alienus a fide catholica*;' and therafter, '*Quin etiam rex ipse scripsit ad pontificem ipsum literas humanitatis plenas, quibus, præter cætera, rogavit, ut aliquis e natione sua cardinalis S. R. E. crearetur, per quem, facilius cum pontifice res suas tractare posset.*' Which words being conforme to the Lord Balmerinoth's depositioun, the same had givin occasioun of the writting of that booke, in manie parts wherof his Majestie was bitterlie tuiched. Nixt, upon the occasioun conteaned in that depositioun, did grow all the conspiraceis, that since his Majestie's comming to England had fallin furth; for by this dealing with the Pope, unknowne to his Majestie, great hopes were givin to the Catholicks, that when his Majestie sould come to the crowne of England, his Majestie sould ather declare himself a Catholick, or, at least, the Catholicks sould have a toleratioun of religioun within his dominiouns. Wherof finding themselves disappointed, they did move their conspiraceis; for skarslie was his Majestie warmelie sett doun in this his kingdome of England, when Watsone, the preest, and a number of his adherents, did attempt against his Majestie's royall persoun, for the which a number of them were deprehended and punished. Nixt, upon it came the devilish inventioun and practise of the powder treasoun, wherin was intended the taiking away of the king, queene, and their posteritie, the counsell, bishops, nobles, judges, gentrie, and whole bodie of the realme, for the which a number were punished, and a great manie in his Majestie's clemencie spaired. Therafter, that none sould mistake their proceedings in the tryell and examinatioun of the Lord Balmerinoth, he declared all the points therof, adding, that although it was a cace might receave judgement in England, in respect it did concerne his Majestie's persoun, which hath so manie priviledges, that it draweth all judgements after it, and that the Lord Balmerinoth that was to be judged was present, and so might receave his judgement there; yitt sucne was his Majestie's respect to his ancient native kingdom of Scotland, and they were so farre from encroaching upon the liberteis therof; and knowing the tender

regarde that nobilitie and estate would have in a mater that did so highlie concerne his Majestie; after a long and reiterated discourse in the praise and honour of that kingdome, counsell, nobilitie, and governement of it, declared that they would remitt the mater to receave judgement there.

"Nixt, the Lord Treasurer beganne a verie grave speeche, after the due commendatioun of the Lord Chanceller that had spokin before, that he was verie sorie to have occasioun to speeke of a mater of that kinde, that since it did concerne so highlie the life and honour of his most sacred Majestie, (whose life was deerer to him nor his owne,) he sould be thought verie unduetifull, being so manie wise bound, if he were silent in it. There, having givin his Majestie his owne due praise at great lenth, he did nixt adde, that he was sorie to speeke of it, in respect of the persoun whom it did concerne, a nobleman, by his Majestie's favour a counseller of state, nay, more, a secretarie of state, and one against whom (his duetie reserved in this) he would be laith to have spokin. The summe of his speeche grew to the same end of my Lord Chanceller's former speeche, that his Majestie's dealing with the Pope might have bred him in his owne kingdom disobedience, and done him prejudice in his title to England: that if his Majestie had beene of counsell of writting that letter to the Pope, he would affirme, he had bowed his knee to Baal, being desirous to establishe for his effaires an advocat at Rome. Nixt, by the words of Bellermin's booke then produced, he shew that the Pope tooke upon him to declare the crowne of England elective, becaus by the words of the Pope's breeve, the estate and bodie of England were commanded first, *Non admittere*, nixt, *Non instituere nisi regem orthodoxum et catholicum.* So the heritable descent of the crowne of England was taikin away, and behoved to be holdin in almous of the Bishop of Rome; that he would not be content to be Bishop of Rome, but would have all Europ at his dispositioun. And in another place of the same booke, he shew a conclusioun more offensive to his Majestie, '*Ergo Rex Jacobus neque est Catholicus neque Christianus;*' that for himself, he did never say so muche of anie

Catholick, and that he did verilie beleeve that a true Catholick was *Christianus*. Nixt, he fell out upon the office of a secretarie, the great credit and trust therof; that in a secretarie's breast is layed in store the treasure of all the secreits of the kingdome; that *fides* and trust is of that nature, that *fides quæ semel recedit, nunquam revertitur:* that he feared, that in tyme to come, his Majestie behoved ather to have no suche officer, or ellis divide the trust of maters of importance to one, and commoun effaires to another: that a king's hand-writt, if it may be caried by the knowledge of the prince, is more dangerous nor an armie of twentie thowsand men; becaus the one may be forseene, the other not. Nixt, in the nature of the fact, he compared the king's great seale with his hand-writt; that the great seale was but the king's image in waxe, but his hand-writt was his minde; but if anie thing sould be added above the great seale, for himself, he would thinke it was verie neere treasoun; leaving them to consider what it was to adde anie thing above his Majestie's hand-writt. He desired to be excused, if he were a little kindled, and did remember the manie favours he had of his Majestie: that he possessed manie places that were fitter for others; yitt none sould goe before him in trust nor affectioun. To testifie his Majestie's unwillingnesse to have dealing with the Pope, he did remember how his Majestie refused to receave anie ambassader from him, and how he commanded the ambassader lieger in France to shew the Pope's nuncio in Parise, that if anie of the ministers in his name had promised more than they had warrant, the Pope sould not expect anie performance therof from him. Last, he made (as he called it) a punctuall discourse of all the proceedings in the Lord Balmerinoth's examinatioun, and how his Majestie's memorie was a great deale better in that mater than his; and by his particular interrogatours, had brought him to a confessioun; and after an ample and veric large commendatioun of the kingdom of Scotland, and wise and grave governement of it, did remitt the judgement of that mater to them, not doubting but they would proceed in it, as his Majestie's interesse and the weight of the mater did require.

"After him the Lord Privie Seale had a speeche, wherof this was the preface: If he had had libertie of speeche, as he had not, he would not have chosin these two noble lords, who had so gravelie and learnedlie spokin, to have gone before him; for they had taikin up the crop of all that was to be collected of the present mater so cleanelie, as they had left nothing behind to him to glaine. But he did remember to have read of the nature of the bee, that at first comming upon the flowre she did gather the honie, and after the honie being collected she did gather the waxe; so would he, since there was no honie left, gather some waxe to seale up the mater with. And first, after a large commendatioun of his Majestie's so manie rare and princelie qualiteis, whom that mater did so highlie concerne, (which he protested he did not as a sycophant or a flatterer, but as a true and faithfull counseller,) he did say some thing of his affectioun and duetie to the Lord Balmerinoth, with great sorrow for his errour in that kinde, that he sould have thought it a safe way for his Majestie to have left his assured true freind, which was the Queene and State of England speciallie, since of his owne knowledge, (for the space of nineteene yeeres that it had pleased his Majestie to keepe intelligence with him,) he perfytlie knew that his Majestie was most unwilling to anie suche course. First, how in the eightie-eight yeere, the Bishop of Dumblane came in Scotland with so manie great offers, and if his Majestie would have givin him never so little hope, the Pope would have stayed that great Armado. Nixt, conie Sir James Chisholme, who dealt in the same course; and becaus he did not prevaile, he did breake his heart, and so died. Watsone the preest having come in Scotland, and dealt with his Majestie, did confesse to his Lordship, that he could never have more of his Majestie; but if ever he came to the crowne of England, that he would not come to breake the law, but to keepe it; and that the said Watsone being in prisoun, some few dayes before his executioun, his Lordship went by his Majestie's commandement to examine him in that point; who declared to him, that he could never gett anie further grant of his Majestie nor is before said.

Notthelesse, to the end he might keepe the Catholicks in better dispositioun towards his Majestie, he did give them better hopes: that Sir James Lindsey did bring his Majestie a letter from the Pope, which he refused, and would not so muche as suffer the same to be unclosed. Last, since his Majestie's comming in England, there came one from the Duke of Loran to his Majestie, who being weill receaved by his Majestie, as the Duke of Loran's servant; having therafter secreitlie shewed unto his Majestie that he was the Pope's gentleman, and had some directiouns from him to his Majestie, he would heare no more of him; and his Majestie did mightilie compleane that the Duke of Loran did use him in that kinde. And heerupon did he condemne the Lord Balmerinoth his course, in respect of his Majestie's knowne unwillingnesse to have anie dealing with the Pope. He said farther, that if at that tyme when the queen's ambassader did expostulat, the course had beene reveeled, the fault had beene the lesse; that it was God's singular care of his Majestie, that by the comming furth of suche a booke at suche a tyme, when the Lord Balmerinoth was present to reveele the truth, his Majestie's innocencie in it was so cleered. And becaus that some doe justifie the course, becaus of the good intentioun of it, that he had read, that in good intentiouns three things were requisite: 1. That they sould be in things indifferent; nixt, that they sould not be *contra præceptum;* last, that they sould not be in *prejudicium tertiæ personæ.* Nather of which was observed in this; becaus it was not a thing indifferent to the king to keepe correspondence with the Pope, being a mater so prejudiciall to his estat. Nixt, that it was *contra præceptum,* becaus he was not of his religioun. Last, that it was *prejudicium tertij,* becaus the Queene of England was thereby interessed: So as the intentioun of it could not procure it anie allowance. In end, after a large commendatioun of the countrie of Scotland, and his best wishes that the kingdom of England would looke carefullie in their honour, and not admitt everie one so indifferentlie to it, following the exemple of Scotland: he did likewise remitt the mater to be tryed and judged there, not doubting but it would be carefullie

done, according to the weight of the mater, and his Majestie's expectatioun.

"Therafter, my Lord Chanceller declared, that since that boord was his Majestie's bodie representative, and all the members of it were at his Majestie's dispositioun, and alterable with the breathe of his mouth, that it was his Majestie's pleasure that the said Lord Balmerinoth sould no more be one of that boord: wherupon he did produce a warrant, signed by his Majestie, which being read by the Clerk of the Counsell, the Chanceller desired that all the lords sould take notice of it."

"THIS, OR NEERE TO THIS, I WOULD HAVE ANSWERED FOR MY OWNE JUSTIFICATIOUN, IF THAT BY THREE SEVERALL COMMANDEMENTS FROM THE ERLE OF DUMBAR, I HAD NOT BEENE DESIRED TO THE CONTRARIE. JAMES BAILZIE WAS CARIER OF THE MESSAGE.

"To the first speeche it might have beene answered, that if the reverence and majestie of the person, (whom this mater was affirmed to tuiche in honour and safetie,) the gravitie and eloquence of the speeker, and the hatefull dispositioun which then was against the person which was to be censured; had not extraordinariie concurred, (although the deid wanted a president,) yitt manie offences of greater importance, and more perellous presidents, were smothered up with silence. And where it was first said, that letter might have procured his Majestie the tinsell of the crowne of Scotland, which he had in possessioun, there was no suche appearance; becaus there was no Scotish man of whatsoever qualitie, so little sensible of his soveran's wrong, but would rather have wished his Majestie to have had correspondence politick with the Turke, muche more with the Pope, before he had beene prejudged of his undoubted title to England, speciallie since that letter (nor no constructioun can be made upon it) does carie anie prejudice to religioun, or other conditioun hurtfull ather to his Majestie's honour nor estat. Nixt, where it was said that the said letter might have

losed him the crowne of England, to the which he had undoubted right apparent, becaus the queene might have taikin exceptioun at it, and so inclynned some other way; first, it might have beene answered, that his Majestie's title was not at her dispositioun, and if she had beene discontented, there was no reasoun. For since she did ever refuse to yeeld him anie assurance of his successioun after her, (and Spaine avowedlie, and France under hand, besides others, as competitors daylie talked of,) although he had laboured for the freindship of all the Christian princes in Europe, upon just and honourable conditiouns, and without breache of duetie to her, she had no just caus of offence. Beside, that some did not spaire to talke of some unseemlie plotts contrived in England about that same tyme, to his Majestie's prejudice. Secundlie, where it was with great vehemencie and rare eloquence amplified, that that letter had givin subject and occasioun to the wrytting of manie pamphlets, wherin his Majestie was bitterlie reviled, it might have beene answered, that by the contrare, it had stayed the writting of manie, and doing of manie worse turnes; had procured his Majestie's good at the court of Rome, the favour of all the Catholicks of Europe, but speciallie in England. And if his Majestie had beene offended by anie bookes, they have had other grounds than that idle letter, wherin Bellermin alledgeth not, that there was anie more but a letter full of courtesie, and a requeist for a cardinall. And if it had conteaned anie other thing whereby his Majestie might have beene engadged to the Pope's advantage, it had not beene forgottin. Looke, therefore, if the writting of the former bookes, or some other conditiouns than that letter, hath not givin occasioun of this offence. Thridlie, where it was said that all the Popish conspiraceis did flow from that letter, becaus the Catholicks, finding themselves disappointed of their hopes, did attempt all these devilish treasouns; it might have beene answered, that if that letter giveth anie suche hopes ather of the king's Majestie being a Catholick, or toleratioun, then is the argument good. But if not, then it holdeth not; and these hopes must be found out another way, and the authors of them charged with that imputatioun.

"The secund speeche, in so farre as it was coincident with the first, the same answeres might have been repeated. But where it was said, that if his Majestie had beene of the knowledge of that letter, he had bowed his knee to Baal, appointing an advocat at Rome, that conclusioun holds no more, than if it sould be said that the queene, for writting manie letters to the Turke, and appointing an agent there, sould have become a Mahometan. Nather is there anie that can doubt, but that great statesman that had the speeche does know verie weill, that princes of different religiouns have their leagues and amiteis, their intercourses of negotiatioun and civill effaires, without bowing their knees to strange gods. As to the invectives against the Pope, they were all just, and verie pertinentlie and eloquentlie delivered. Yitt they did not aggravat that fact, nather was there anie thing in that letter that did allow of them. As to the objectiouns of violating the trust of a secretarie, that could not be denied. And so, the partie doeth grant the offence, pretending onlie, that as an expert physician in a desperat disease, or a perfyte pilot in an extraordinarie tempest, is not alwayes tyed to the precise rules of his art, so some things are permitted to statesmen in their places. And he perhaps seing his Majestie's great danger, and that for writting a stile to a Pope, he would give his enemeis so great advantage, and perrell a kingdom, he did temariouslie adventure his credit. And for that was talked of that the nature of '*fides quæ ubi semel recessit, nunquam revertitur*,' that politick maxime giveth an answere, '*si violandi regni causa*.' And the more he is excusable, that it was to his maister, and not to himself; and as he durst and sould have adventured his life to have foughten for it, so did he perell his trust to conserve it. To that, that a king's hand-writt, if it might be careid by his knowledge, was more dangerous than twentie thowsand men, that is an argument *ab incommodo*, which, since the deid is past long since, and no harme followed upon it, nather to his Majestie nor his dominiouns, it followeth no more. To that of the comparisoun of the broad seale to the king's hand, and what is the danger to write above anie of them, belongs to the judge and lawgivers to

determine. But in the law of reasoun and civill justice, where there is no fraud meant, no harme done, nor no inconvenient can ensue, the fault is the lesse.

"In the last speeche most gravelie and eloquentlie delivered, becaus it was for the most part a narratioun of particulars testifeing his Majestie's unwillingnesse to write, or have anie dealing with the Pope, it is like eneugh to be true; for if his Majestie had beene willing or wittinglie had sett his hand to the letter, then there had no fault beene committed. So that causeth the confessioun of him who abused his Majestie's trust. And wheras his good intentioun to his Majestie's service did furnishe him some excuse, that was most learnedlie taikin away by three caveats, which the divines doe require to make intentiouns justifiable: First, that they be in things indifferent; Nixt, that they be not *contra præceptum;* Thridlie, that they be not *in prejudicium tertii;* to all which it might have beene answered, First, generallie, that the politick courses so weill knowne to so great a wise man in state maters, are not to be ruled according to the strict rules of divinitie, and particularlie to everie caveat. There can be nothing more indifferent nor a free prince to write a kinde letter to his nighbour, and to make him a reasonable and just sute, hurtfull to no man. As for the secund, there is none of the commands that did forbid the king to write to the Pope; for so *præceptum* in that mater is to be understood. Thridlie, by that letter is no prejudice done to anie person. And since his Majestie was by no league nor band bound to the queene, in the contrarie, no man will thinke that his Majestie sould be answerable to anie imaginarie prejudice, there being nothing conteaned in the said letter that in anie sort could hurt her or anie other person.

"In all the speeches as they were most gravelie and eloquentlie delivered, so did they yeeld a rare and extraordinarie commendatioun to the countrie of Scotland; the grave and ancient nobilitie, the wise counsell of estat, the learned judges, and the most tender regarde in all their actiouns to his Majestie, wherof, as everie man

did consider the end, so they ought no small obligatioun to them for their exceeding kindenesse."

"COPIE OF THE SPEECHE WHICH I SPAKE INDEID TO THE COUNSELL AFTER THE THREE HARANGUES BEFORE WRITTIN.

"MY VERY HONOURABLE LORDS,—I find true this day in experience that which I have oft read and heard, that no exceeding joy nor exceeding sorrow can be caried but with silence. '*Leves iræ loquuntur*,' (sayeth the tragick,) '*nugentes stupent*.' For this it is, that heavie greefe and unspeekable sorrow of my heart and soule for my haynous offence, committed against my most gracious soverane, and his Majestie's displeasure that he has most justlie conceaved against me, makes me that I have no words wherewith I can expresse the same. For when I looke unto his Majestie's innumerable favours bestowed upon me, having raised my fortunes (most miserable and unworthie wretche) farre above my merit, and my foule abuse of his Majestie's trust, which has brought this false imputatioun upon his Majestie's unspotted innocence, I thinke there is nothing in me sufficient to amend the same. And therefore I find no other end of my sorrow, but with the forlorne, to say to his most sacred Majestie, *Peccavi in cœlum et in terram*; my offence is so great that it cannot be pardouned. I am not worthie to be reckonned anie more amongst his creatures or subjects. I have sincerelie confessed the veritie of the fact in all the circumstances, not for obedience, or to liberat his Majestie, as some would falselie give out; but for the truthe's sake, and that his Majestie's innocencie may be knowne to all the world. (These words added at the Erle of Dumbar's suggestioun to please his Majestie: 'But, alace! what unhappie man was I, that my devilish affectioun and erroneous course sould have led me to anie thing sould have offended my most gracious soverane?') Might not his Majestie's rare pietie, singular wisdome, and unspotted sinceritie in all his actiouns, wherof I had so long experience, have taught me, that when he was unwilling, and did refuse suche a crooked worldlie

course, the event of it could not prove but unhappie? Therefore, since his Majestie's soule is free of it, lett no part of the staine ly upon his Majestie's honour. But if his Majestie cannot be otherwise liberated of the false imputatioun brought upon his Majestie by that devilish letter, nather lett my life, estat, nor credit be spaired; but as I have all by his Majestie's favour, so lett all goe, to the last drop of my blood, before that anie reproache for my most haynous offence be brought upon his most innocent Majestie. But my miserie of all is the greater, that it behoved me offend even in that point wherin his Majestie has ever beene most tender, his conscience, which for a thowsand kingdoms he would not hurt, and his reputatioun of sincere dealing, which has made him famous through all the world. In all these things, his Majestie's extraordinar deliverances miraculouslie wrought by God, for no caus so muche as for his Majestie's incomparable sinceritie of heart to God, and just dealing to all the world. My Lords, it sall not be necessar to transmitt my confessioun to Scotland, nor to remitt my judgement and tryell there, since for my offence and his Majestie's displeasure conceaved therupon, I have absolutelie committed me in his Majestie's royall will. I rather my life and all were taikin, before I sould ly anie longer under this unsupportable burthein of his Majestie's heavie displeasure. Therefore, my humble suite unto your Lordships is, that ye will, in commisseratioun of my estate, move his Majestie to be pleased to looke upon my confessioun, accept my becomming in will, and without delay declare what ought to be done for reparatioun of his Majestie's honour, which is tuiched by my most haynous offence; which, with all reverence and humilitie, even with the last drop of my blood, I will obey and performe.

"The Bishop of Glasgow, I thinke, with the counsell of the Erle of Wigtoun, despaired before my comming to court that the letter to the Pope sould doe me anie harme, thinking ather that I sould have denied it, or that it was of so small consequence as it could import no cryme. They had invented against me some interrogatours, wherupon the king sould have examined me anent the pow-

der treasoun, which were keeped closse from me till immediatlie before my comming away. Then they were brought to me by my honest trust freind Sir Alexander Hay, never letting me know of them, albeit they had beene in his hands three moneths before. The just copie I have enclosed herewith, and my answeres. They are als frivolous as they are false. Alwise, I will my freinds may see what has beene the malicious curiositie of my enemeis to my disgrace. I suspect the Bishop of Glasgow, the Erle of Wigtoun, and Sir Alexander Hay, and whatsoever the Erle of Wigtoun knew, was not keeped from Kilsyth.

"In a proclamatioun made at Westminster, the 22d of Februar 1603, which is imprinted, there is conteaned these words, in speeking of forraine princes: 'Among which forraine powers, although we acknowledge ourselves personallie so muche beholdin to the now Bishop of Rome for his kinde offices and privat temporall cariage toward us in manie things, as we sall be ever readie to requite the same toward him as Bishop of Rome, in state and conditioun of a secular prince, yitt,' etc. Confer this proclamatioun with his Majestie's first specche in the Parliament-hous, which is also printed, wherin he acknowledgeth his particular obligatioun to Pope Clement, whereby it may be presumed, as maters then were, what great discontentment it could have beene to his Majestie to write a letter to him, lyke as manie other negotiatiouns which his Majestie had with him are more nor notoriouslie knowne."

THE SUMME OF THE DECLARATIOUN, SUBSCRIBED 18 NOVEMBRIS 1608.

"That at my first examinatioun, I did deny, extenuat, and transferre the knowledge of that letter. Therefore I did confesse that at the solistatioun of the Bishop of Glasgow, who was his Majestie's ambassader, and the Bishop of Vaizon, I laboured to have a correspondence betuixt his Majestie and the Pope. I moved his Majestie in it, and found him unwilling. Therafter I conspired with Sir Edward Drummond to gett a letter under his Majestie's

hand to the Pope; that Sir Edward drew up the letter; I saw the draught of it and corrected it; that one day in the morning, when his Majestie past to hunting, I brought him a number of letters to be signed in favours of the Bishop of Vaizon, to the Dukes of Savoy, Florence, and some cardinalls, amongst the which letters I shifted in that letter to the Pope, having no superscriptioun in the beginning nor above his Majestie's name, and so gott his Majestie's name to it without his knowledge. That the letter conteanned nothing but thankes to the Pope for his bygane kindenesse, and desire of continuance; that he would be pleased to advance the Bishop of Vaizon to a cardinall; that his Majestie might have more intelligence of his effaires at that court; that the letters to the Pope were writtin in Roman letters; I directed Sir Edward to write the Pope's stiles in the beginning and in the end, '*Sanctitas et Filius*;' that the said letter was cashetted at my command by one of my servants who keeped the cashett. That in the late queen's tyme, some expostulatioun being made by her ambassader anent the said letter, I did deny it, and caused Sir Edward, being come home, justifie my denyall, and that he had caried no suche letter, being examined therupon by some of the counsell: that he being committed in waird, I laboured for him, and procured his releefe: that I dealt earnestlie with him to returne the principall letter, who promised to doe so."

SECRETAR ELPHINSTOUN SENT BACKE TO SCOTLAND.

The president was sent backe to Scotland as a prisoner, with a guard attending upon him, to be farther tryed. When he came to Newcastell, he sent the Laird of Pitlowie to informe Mr James Melvill how he was dealt with for standing to the freedom of our countrie, and crossing of the bishops and their proceedings; and desired Mr James to write to the good brethrein at home, to informe them. Mr James heard all, and wrote home as he thought meete himself. When he came out of Newcastell, it was marked that he shed teares, which was a verie base thing in him. At Ber-

wick he was heard to utter these words, "I wishe I had beene made a sheepkeeper when I was made a scholler."

CHANCELLER SETON, PROVEIST OF EDINBURGH, CHANGED.

In the meane tyme, the king was myche offended with the toun of Edinburgh for choosing of Chanceller Setoun to be their proveist, and continuing him in that office, which he had keeped diverse yeeres before, howbeit the king had writtin to the counsell of the toun to elect their proveist and bailliffes of their owne nighbours, trafficquers, for the better preserving of their owne liberteis, conforme to the act of Parliament, and that as they would answere upon their perrell. Wherupon the bailliffes and counsell of Edinburgh, to pacifie the king, elected Sir Johne Arnot, one of their fellow burgesses, treasurer-deput under the Erle of Dumbar, and his speciall favourite, upon the 15th of November, to be their proveist, notwithstanding of the former electioun, but with the chanceller's good will and consent. Sir Johne Arnot accepted the office in presence of the chanceller. The chanceller dimitted, after he had beene proveist for the space of nyne yeeres. Therafter the toun of Edinburgh sent up to court William Rig and James Nisbit to pacifie his Majestie.

AN EARTHQUAKE.

Upon the 8th of November, there was an earthquake at nyne houres at night, sensible eneugh at St Andrewes, Cowper, Edinburgh, Glasgow, Dundie, but more sensible at Dumbartane; for there the people were so affrayed, that they ranne to the kirk, together with their minister, to cry to God, for they looked presentlie for destructioun. It was thought that the extraordinar dreuth in the sommer and winter before was the caus of it.

MR A. MELVILL INDUCED TO A SLIGHT ACKNOWLEDGEMENT OF A FAULT.

When Mr William Cowper was at court, the king sent him to the Towre, to deale with Mr Andrew Melvill; but having effectuated little, left the mater to the Bishop of Glasgow, Mr Johne Spottiswod. The bishop insisted with him, and obteaned a forme of acknowledgement of some offence in his behaviour, which William Rig and James Nisbit, commissioners from the toun of Edinburgh, sent, to satisfie his Majestie, incensed against the toun, delivered to Mr James Melvill at their returne as they came by Newcastell, together with some other writts or letters sent from Mr Andrew.

The first conteaned these words:—"I have sent you a copie of my submissioun, which Glasgow, your scholler, has taikin with him to the king, for this archbishop has beene three or foure tymes with me; shewing, that the church laments my absence, and of his earnest desire to have me at home, *Sed non ego credulus illis;* and how that Dumbar must have the honour of my deliverance, as yee may conjecture all the rest what sall ensue. *Ego in utrumque paratus aut manere, aut redire, aut abire in exilium, Dei gratia fretus.* I am weill in bodie and in soule, I thanke God, resolved in the Lord. Lett me know of your weelefare, and news ather historicall or conjecturall, if not propheticall. God be with you."

The secund had the submissioun thus:—

"Artaxerxes cognomento memoriosus in veterem Judæorum ecclesiam, ab exilio reducem. Persarum monarcha beneficintissimus legem de cultu divino et religione moderanda sanxit divinitus, in hæc verba; Quicquid est de sententia Dei cœlestis perficitor, diligenter in domo, Dei cœlestis, ut non sit fervens ira in regnum, regem, et filios ejus. Hanc ego legem, cum similibus sacræ scripturæ locis non negligentissime comparatam, multo antiquam Angliam hac vice cogetassem sæpe mecum, et diu, multumque, pro numeris mihi divinitus mandati ratione meditatus, tertio ab hinc anno Sep-

tembri mense, vergente in æde Hamptoniana jussus sacris interesse tam spectator quam auditor insolens, pro re nata carmen breve et dramaticum, regiæ majestati (invocata numine) recitandum feci. Cujus exemplum inscio me descriptum et depravatum, et mutilum postea, Novembri præcipite, mihi coram amplissimo senatu criminis loco objectum, ut anni insequentis, adulto veræ demo exacebatum fuit. In hac causa dicenda sine fuco et fallaciis, more majorum, et meis versiculis a criminis atrocitate cujus affinis, non essem libere vindicandis, si quid mihi tam necessario tempore meo minus decore, pro hujus gentis indole et regni moribus respondenti, humanitus excidit, quod quenquam mortalium jure offenderit, necdum senatum amplissimum; et ejus ego sive erroris, sive rusticitatis, pœnam biennali carcere adhuc luo ita veniam supplex senatus, singulari æquanimitate etam, atque etiam peto."

The thrid had these verses, whereby one may see how muche he has thought of the submissioun:—

"Regia vox, et rege pro dignissima lex hæc,
Quam dedit ad Solymas Persa Monarcha: Memor
Cœlestis quæcunque Dei meus atque voluntas,
Cœlestis fiat sedulo in æde Dei.
Fervida succensis ne ferviat ignibus ira,
In regnum, in regem, regiam, et in sobolem,
Carmenis hæc casta ava mei ausa, hæc criminis, arx hæc,
Carceris hanc propter sors mihi dura pati.
Dura biennalis patientia carcere in arcto,
Hosti haud grata magis quam gravis est patriæ.
Si quid in hac causa divina humanitatis ore
Excidit errorem, deprecor ore humili;
Errare humanum est, errori ignoscere vestrum est;
Deleat errores æqua litura noes."

The fourth boore this:—

"Carmen integrum, quod inchoatum, et inscio me descriptum et

depravatum mihi, coram senatu R. bis objectum fuit, anno 1606, et 1607.

"Cur stant clausi Anglis libri duo regia in ara?
Lumina cæca duo pollubra sicca duo?
Num sensum cultumque Dei tenit Anglia clausum,
Lumine cæca suo, sorde sepulta sua?
Romano an ritu regalem dum instruit aram,
Purpuream pingit relligiosa lupam?
Excussit cervice jugam meritricis, et ore
Sub roseo mordet, regia frœna jugo.
Ara fuit, nunc mensa manet, quæ victima ad aram
Cæsa, semel mensæ, sæpe epulanda venit."

THE CONVENTIOUN APPOINTED TO BE HOLDIN IN NOVEMBER DELAYED TILL DECEMBER.

The meeting of the commissioners appointed by the last Assemblie holdin at Linlithquo, to be keeped the 15th of November, was delayed till the 6th of December, by a charge from the king, which heere followeth:—

"JAMES, by the grace of God King of Great Britane, France, and Ireland, Defender of the Faith: To our lovits, etc., messingers, our shireffs in that part, conjunctlie and severallie, speciallie constituted, greeting: Forasmuche as although the first advertisement of the godlie forwardnesse and zeale kythed by these of our nobilitie, clergie, and other estats of this our kingdom, conveened latelie in a Generall Assemblie, at our burgh of Linlithquo, did give unto us no small caus of joy and contentment, that there sould be so great a number of weill affected and disposed people in religioun within our said kingdom in these dayes, when blindnesse and ignorance have taikin so great hold in forrane parts; yitt, since that first advertisement, we are so muche the more satisfied and contented with their whole proceedings, being certified of the same at lenth by our owne commissioner, who was present all

the tyme therof, and by repaire hither of some commissioners selected out of everie estat, and directed by the said Assemblie to be humble suters unto us, for the allowance of certane maters moved amongst them. Upon the first hearing of which propositiouns, we having cleerelie discovered the true difference betuixt the lawfull and unlawfull meetings, and the good fruicts that weill licensed and lawfullie conveened Assembleis will produce, concurring together in a continued harmonie, to advert the commoun enemie, and to deliberat upon suche maters whereby his growth and increasse may be stayed; and that suche in whom errours are so farre rootted as there is no hope of reclaiming, may be ather utterlie suppressed, or at least brought to that cace, that they need not to be in anie sort feared or regarded; and not according to some late prooffe of unlawfull conventicles, who, upon a haire-brained follie, do preasse to raise a schisme in the church, and by divisioun doe give that advantage to the enemie, that their untymous concurring afterward together will hardlie gett remedeid. And as love is the maine point of all religioun, so, the tokins of a generall uniformitie amongst the cleargie and other estats there conveened, uttered by them before the dissolving of their Assemblie, did testifie to the world, with what true sinceritie and affectioun of heart that whole meeting was. Wherin their proceeding by excommunicatioun of one of the great subjects of this land, did therewith shew the small regarde they have to offend anie that are of contrarie professioun; which, as we cannot but commend verie muche in them, so, since the Almightie God hath beene pleased to committ the patrocinie of this church in our dominiouns to our care and protectioun, as his lieutenant heere on earth, and nurish father of the same, we intend no way to be defective therin, but to assist all the lawfull proceedings of that church, als weill in advancing the Gospell, as in repressing contrarie professours. And having considered the petitions brought unto us by these commissioners sent from the said Assemblie, as we doe verie weill allow of the same, so, for the better encouraging of these who have had this turne in hand, of whom we hold everie one in their owne degree to

have deserved our speciall thankes, and to affray all suche who darre kythe themselves of a contrarie faith, it being certified unto us, that at the dissolving of the said Assemblie, certane of everie estat were appointed to meete at Edinburgh the 15th day of November nixt, to attend the commissioners' returne, and to understand from them our acceptatioun of the propositiouns brought thither with them; and we being willing not onlie to declare our allowance of the same, but further, to authorize and countenance the same with our royall authoritie and power, have therefore thought meete to appoint a conventioun of our estats of this our kingdom, the sixt day of December nixt, against which tyme, we doe intend to send doun thither our particular pleasure and will, concerning all these petitiouns preferred by the said commissioners unto us.

"Our will is heerefore, and we charge you straitlie and command, that incontinent these our letters seene, yee passe to the mercat-croces of our burrows of Edinburgh, Perth, Stirline, Glasgow, Dundie, Aberdeen, Elgin, Dumfreis, and other places needfull, and there, in our name and authoritie, by opin proclamatiouns, make intimatioun to all suche who expect for the returne of our answere at the said 15th day of November, that they repaire to our said burgh of Edinburgh, the said sixt day of December nixt; where we intend not onlie a good, plausible, and acceptable answere, delivered for the true confort of all good professors, but that some suche farther courses also sall be concluded upon by our estats to be at that tyme conveened, as may most availe for the prosecuting of * * * * may both represse the commoun enemie, and that in this happie unioun of the church of that our kingdom, God his glorie may be advanced, and true religioun professed.

"Givin at our Honnour of Hamptoun Court, the secund of October, and of our raigne the sixt and 42 yeeres, 1608.

"*Per Regem.*"

SECRETAR ELPHINSTOUN WAIRDED IN FALKLAND.

About the beginning of December, the secretar, Sir James Elphinstoun, President of the Colledge of Justice, came to Berwick, accompanied by the English guarde, and some of the Erle of Dumbar's servants. He was receaved by the captan of the Scotish guarde, Sir David Murrey, Lord Skoone, late comptroller, accompanied with the Scotish guarde, and some of his freinds, and was convoyed to waird to Falkland. The maner of his parting from Londoun to this countrie he has sett doun himself as heere followeth, continuing his former relatioun:—

"Order heerafter being taikin about my returning, my Lord of Dumbar sent James Bailzie, to shew me that there were some of the guarde, onlie for a shew, appointed to attend me; desiring I would not take it in evill part, they would ryde with their coats till they were past Roystoun, where his Majestie was, and from that as other privat servants. He sent me word diverse tymes, that he would meete with me; but while the Erle of Wigtoun and the bishops were gone, he could not for suspicioun. So the verie day they parted, in the morning at ten houres, his lordship came to my hous, although I had offered to make the travell; but becaus I was under commandement, it could not be. All this tyme, I was attended by two of his gentlemen, who used me verie kindelie; the one was Alexander Auchinmowtie, brother to Johne Auchinmowtie, the other, James Carmichael, sonne to Watt Carmichael of the Parke, to whom I wish, my freinds, or to anie of theirs, to be thankefull. At our meeting, I renewed to him what had past betuixt my Lord Burlie and me; my particular offers for assurance of his lordship's freindship; what I did expect mutuallie of him, as the Lord Burlie had promised in his name. All which he was weill pleased with, and how soone my trouble was ended, which sould be upon his comming in the countrie, he would enter in the due performance of everie particular, and would establishe suche an allyance with me as sould not be dissevered. I com-

pleanned that my waird was altered, becaus he had promised, that I sould remaine in the Castell of St Andrewes. He excused the estat of the hous, and that he had als great credit in Falkland as in St Andrewes. Nixt, that the Lord of Skoon's warrant was so strait. His answere was, that it was onlie done for the fashioun; that the bishops and Sir Alexander Hay procured it, but he would desire the Lord Skoon, by James Bailzie, to use me weill. He desired me to keepe all secreit, and as he was a Christian, everie thing sould be performed with no lesse care than I were his owne brother, or his two daughters. He willed me not to be suspicious of anie his actiouns, because it behoved him to follow the king's humour, please the bishops, and others that were my unfreinds, in outward shewes, that he might the more easilie worke my turne to my contentment. I thinke that he entered in a speciall freindship with my Ladie Drummond, and gave her that assurance of my life, estat, Hopar's office, that he gave to the Lord Burlie."

SIR A. DRUMMOND ADMITTED LORD OF THE SESSIOUN.

There being an ordinarie place of the Sessioun vacant, the same was earnestlie sought by Sir Alexander Drummond, neere cousin to the President, Sir James Elphinstoun. By his moyen, he obteaned a presentatioun from the king to the lords before his trouble. But he was crossed by the bishops, alledging an act made at the last conventioun holdin at Linlithquo, to witt, that no person suspected of religioun sould be preferred to anie place in Counsell or Sessioun, so that it behoved him to compeere before the commissioners of the Generall Assemblie, viz., the bishops, and some other ministers of their minde, to purge himself of papistrie. But they refused to give him their testimoniall that there was no caus of suspicioun, yea, wrote to court, ather to the king himself or to the Erle of Dumbar, that he was not sound in religioun. Yitt not long after, without their conseat, the said Sir Alexander Drummond was admitted, sworne, and receaved as an ordinar Lord of the Sessioun, by his Majestie's owne directioun. So all the

bussinesse that was made against Papists was but counterfeited, to wipe away the slanders or imputatiouns layed upon the king by Bellermine in his Matthæus Tortus, and to grace the bishops as if they were enemeis to Papists, when as in truthe they were enemeis onlie to the secretar, becaus he crossed their proceedings, and to Sir Alexander Drummond, becaus he was his cousin.

END OF THE SIXTH VOLUME.

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